

Appendix C
Correspondence



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
Governor

November 25, 1998

JAMES F. MURLEY
Secretary

Mr. Michael A. Moore
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Department of the Army - Draft Environmental Assessment and
Draft Feasibility Report for the Navigation Channel
Improvements at Ponce DeLeon Inlet - Volusia County, Florida
SAI: FL9809230638C

Dear Mr. Moore:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

Based on the information contained in the draft environmental assessment and the draft feasibility report and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. Comments received from the East Central Florida Regional Planning Council are also enclosed for your review.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 922-5438.

Sincerely,

Ralph Cantral, Executive Director
Florida Coastal Management Program

RC/cc

Enclosures

cc: Teri Bryant-Hunalp, East Central Florida Regional Planning
Council

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: www.state.fl.us/comafi/dca

FLORIDA KEYS

Area of Critical State Concern Field Office
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

GREEN SWAMP

Area of Critical State Concern Field Office
205 East Main Street • Suite 104
Bartow, Florida 33830

COUNTY: State

DATE: 09/23/1998

COMMENTS DUE-2 WKS: 10/08/1998

CLEARANCE DUE DATE: 11/06/1998

SAI#: FL9809230638C

Message:

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

X Agriculture
Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTTED
State
Transportation

St. Johns River WMD

Environmental Policy/C & ED

RECEIVED
SEP 29 1998
State of Florida Clearinghouse

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
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Project Description:

Department of the Army - Draft Environmental Assessment and Draft Feasibility Report for the Navigation Channel Improvements at Ponce DeLeon Inlet - Volusia County, Florida.

To: Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

- ☒ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

- ☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

Florida Division of Forestry
Forest Resource Planning
& Support Services Bureau
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

From:

Division/Bureau:

Reviewer:

Date:

[Signature]
9/29/98

COUNTY: State

Message:

DATE: 09/23/1998
COMMENTS DUE-2 WKS: 10/08/1998
CLEARANCE DUE DATE: 11/06/1998
SAI#: FL9809230638C

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Agriculture
Community Affairs
Environmental Protection
X Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTTED
State
Transportation

St. Johns River WMD

Environmental Policy/C & ED

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OCT 08 1998

State of Florida Clearinghouse

RECEIVED BY GFC
OCT 08 1998
OFFICE OF
ENVIRONMENTAL SERVICES

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SEP 25 1998
OFFICE OF
ENVIRONMENTAL SERVICES

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EO. 12372/NEPA

Federal Consistency

☒ No Comment
☐ Comments Attached
☐ Not Applicable

☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

RECEIVED OCT 01 1998

cc:

Division/Bureau: F&FWFC

Reviewer: *[Signature]*

Date: 10/6/98

COUNTY: State

DATE: 09/23/1998

COMMENTS DUE-2 WKS: 10/08/1998

CLEARANCE DUE DATE: 11/06/1998

SAI#: FL9809230638C

Message:

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Agriculture
Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
X Marine Fisheries Commission
OTTED
State
Transportation

St. Johns River WMD

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Environmental Policy/C & ED

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SEP 28 1998

MARINE FISHERIES
COMMISSION

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

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Federal Consistency

- ☐ No Comment
- ☐ Comments Attached
- ☐ Not Applicable

- ☐ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☒ Not Applicable

MARINE FISHERIES COMMISSION
2540 EXECUTIVE CENTER CIRCLE WEST
SUITE 108
TALLAHASSEE, FL 32301

From:

Division/Bureau:

Reviewer:

Date:

Ruby S. Schuchert
9/28/98

COUNTY: State

Message:

DATE: 09/23/1998
COMMENTS DUE - 2 WKS: 10/08/1998
CLEARANCE DUE DATE: 11/06/1998
SAI#: FL9809230638C

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Agriculture
Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission

X OTTED

State
Transportation

St. Johns River WMD

Environmental Policy/C & ED

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SEP 29 1998
State of Florida Clearinghouse

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Federal Consistency

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
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☒ No Comment
☐ Comments Attached
☐ Not Applicable

☒ No Comment/~~Consistent~~
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

Division/Bureau: OTTED

Reviewer: M. Blakeslee

Date: 9/26/98

COUNTY: State

Message:

DATE: 09/23/1998
COMMENTS DUE-2 WKS: 10/08/1998
CLEARANCE DUE DATE: 11/06/1998
SAI#: FL9809230638C

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Agriculture
Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTED
X State
Transportation

St Johns River WMD

Environmental Policy/C & ED

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State of Florida Clearinghouse

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Effect

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Federal Consistency

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☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau:

DIVISION OF HISTORICAL RESOURCES

Reviewer:

Laura A. Kammann

Date:

11/19/98

11/19/98

COUNTY: State

DATE: 09/23/1998

COMMENTS DUE-2 WKS: 10/08/1998

CLEARANCE DUE DATE: 11/06/1998

SAI#: FL9809230638C

Message:

STATE AGENCIES

Agriculture
Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTTED
State
X Transportation

WATER MANAGEMENT DISTRICTS

St. Johns River WMD

OPB POLICY UNITS

Environmental Policy/C & ED

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OCT 01 1998
State of Florida Clearinghouse

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☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

1:

Division/Bureau: _____

Reviewer: _____

Date: _____

FROM: Florida Department of Transportation

Jim Hayden
Jim Hayden, Systems Planning Supervisor

9/29/98
Date

C

COUNTY: State

Beid

5/97

#1269-9/28

DATE: 09/23/1998

COMMENTS DUE-2 WKS: 10/08/1998

CLEARANCE DUE DATE: 11/06/1998

SAI#: FL9809230638C

Message:

✓ 10/27

STATE AGENCIES

Agriculture
Community Affairs
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WATER MANAGEMENT DISTRICTS

X St. Johns River WMD

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☐ Comments Attached
☐ Not Applicable

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☐ Consistent/Comments Attached
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☐ Not Applicable

From:

Division/Bureau:

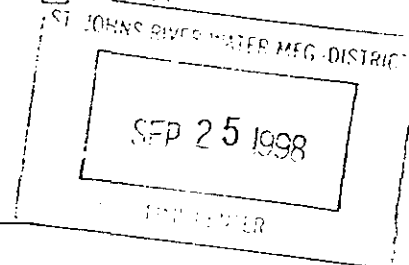
St. Johns River WMD / OPP

Reviewer:

MSportak

Date:

10/26/98



COUNTY: State

Message:

DATE: 09/23/1998
COMMENTS DUE-2 WKS: 10/08/1998
CLEARANCE DUE DATE: 11/06/1998
SAI#: FL9809230638C

STATE AGENCIES

Agriculture
Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTTED
State
Transportation

WATER MANAGEMENT DISTRICTS

St. Johns River WMD

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SEP 12 1998
State of Florida Clearinghouse

OPB POLICY UNITS

X Environmental Policy/C & ED

RECEIVED
SEP 24 1998
OFFICE OF PLANNING
& BUDGETING
ENVIRONMENTAL POLICY UNIT

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Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

Federal Consistency

- ☒ No Comment
☐ Comments Attached
☐ Not Applicable

- ☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

Division/Bureau:

Reviewer:

Date:

OPB/Environmental Unit
Calvin J. Shumard
11-9-98

East Central Florida
REGIONAL
PLANNING
COUNCIL

■ TOGETHER WE CAN

RECEIVED
OCT 15 1998

13 October, 1998

Ms. Cherie L Trainor
Coordinator
State of Florida Clearinghouse
Florida State Clearinghouse
2555 Shumard Oak Boulevard
Tallahassee, FL 323992100

Subject: Department of the Army
ECFRPC# Volusia 106
SAI# FL9809230638C

Dear Ms. Trainor:

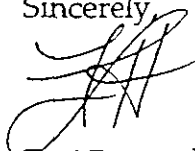
In accordance with the Office of Planning and Budgeting Intergovernmental Coordination and Review Process, this office has conducted a clearinghouse review of the above referenced proposal.

Based on this review, the Council offers the following comments and/or recommendations:

The proposed project, as presented for review and when considered in its entirety, is consistent with the adopted Goals, Policies and Objectives of the East Central Florida Regional Planning Council.

Should there be any questions concerning this review, please contact the Project Review Division at the Council Office.

Sincerely,



Teri Bryant-Hunalp
Technical Assistant
Planning Services

TLH:JA

Council Chairman
Larry Whaley
Clerk of Courts
Osceola County

Vice Chairman
Evelyn Smith
Vice Mayor
City of Eustis

Secretary-Treasurer
Carole Barice
Governor's Appointee
Seminole County

Acting
Executive Director
Greg Golgowski, AICP

The Council's mission is to take a leadership role in representing identified regional resources and interests through a strategic planning program; develop and maintain a regional data system; provide coordination and assistance to governments at all levels; develop a shared vision of the region's future; and coordinate the region's resources and energies to achieve common goals.

Serving Brevard, Lake, Orange, Osceola, Seminole and Volusia counties and the 67 cities in the East Central Florida region.

1011 Wymore Road
Suite 105
Winter Park, Florida
32789-1797

Phone 407.623.1075
Fax 407.623.1084

Suncom 334.1075
Suncom Fax 334.1084

**FLOIDA STATE CLEARINGHOUSE
RPC INTERGOVERNMENTAL COORDINATION
AND RESPONSE SHEET**

FL9809230638C

DATE: 09/23/1998

COMMENTS DUE TO CLEARINGHOUSE: 10/23/1998

AREA OF PROPOSED ACTIVITY:

COUNTY: State

RECEIVED SEP 24 1998

☐ FEDERAL ASSISTANCE

☒ DIRECT FEDERAL ACTIVITY

☐ FEDERAL LICENSE OR PERMIT

☐ OCS

PROJECT DESCRIPTION

Department of the Army - Draft Environmental Assessment and Draft Feasibility Report for the Navigation Channel Improvements at Ponce DeLeon Inlet - Volusia County, Florida.

ROUTING:

RPC

X E. Central FL RPC

CHECK ALL THE LOCAL GOVERNMENTS BELOW FROM WHICH COMMENTS HAVE BEEN RECEIVED; ALL COMMENTS RECEIVED SHOULD BE INCLUDED IN THE RPC'S CLEARINGHOUSE RESPONSE PACKAGE. IF NO COMMENTS WERE RECEIVED, PLEASE CHECK "NO COMMENT" BOX AND RETURN TO CLEARINGHOUSE.

COMMENTS DUE TO RPC: 10/14/1998

NO COMMENTS: ☒

IF THE RPC DOES NOT RECEIVE COMMENTS BY THE DEADLINE DATE, THE RPC SHOULD CONTACT THE LOCAL GOVERNMENT TO DETERMINE THE STATUS OF THE PROJECT REVIEW PRIOR TO FORWARDING THE RESPONSE PACKAGE TO THE CLEARINGHOUSE.)

NOTES:

ALL CONCERNS OR COMMENTS REGARDING THE ATTACHED PROJECT (INCLUDING ANY RPC COMMENTS) SHOULD BE SENT IN WRITING BY THE DUE DATE TO THE CLEARINGHOUSE. PLEASE ATTACH THIS RESPONSE FORM AND REFER TO THE SAI # IN ALL CORRESPONDENCE.

IF YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED PROJECT, PLEASE CONTACT THE STATE CLEARINGHOUSE AT (904) 922-5438 OR SUNCOM 272-5438.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

November 5, 1998

Mr. Michael A. Moore
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Department of the Army - Draft Environmental Assessment
and Draft Feasibility Report for the Navigation Channel
Improvements at Ponce DeLeon Inlet - Volusia County,
Florida
SAI: FL9809230638C

Dear Mr. Moore:

The Florida State Clearinghouse has been advised that our reviewing agencies require additional time to complete the review of the above-referenced project. In order to receive comments from all agencies, an additional fifteen days is requested for completion of the state's consistency review in accordance with 15 CFR 930.41(b). We will make every effort to conclude the review and forward the consistency determination to you on or before November 21, 1998.

Thank you for your understanding. If you have any questions regarding this matter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 922-5438.

Sincerely,

Ralph Cantral, Executive Director
Florida Coastal Management Program

RC/cc

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: www.state.fl.us/comaff/dca

FLORIDA KEYS
Area of Critical State Concern Field Office
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

GREEN SWAMP
Area of Critical State Concern Field Office
205 East Main Street • Suite 104
Bartow, Florida 33830



PD-ELC (B-64) by

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

October 19, 1998

Colonel Joe R. Miller, District Engineer
Jacksonville District Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Miller:

The National Marine Fisheries Service (NMFS) has reviewed, as requested by your staff on September 21, 1998, the Draft Finding of No Significant Impact, Draft Environmental Assessment, and Draft Feasibility Report for proposed navigation improvements at Ponce DeLeon Inlet, Volusia County, Florida. Various alternatives to improve navigation and safety within the inlet were investigated with the selected plan calling for a 1000-foot seaward extension of the existing south jetty.

The subject documents adequately identify and assess the potential impacts to NMFS trust resources that could occur from implementation of the various alternatives examined. The NMFS concurs with the findings which indicate that adverse impacts to living marine resources would be minimal from implementation of the selected plan. If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5317 or at the letterhead address above.

Sincerely,

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER4
F/SER43
EPA-Atlanta
FWS-Jacksonville





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312; FAX (727) 570-5517

OCT 1 1998

F/SER3:EGH:jbm

Lieutenant Colonel Michael A. Moore, USA
Acting Chief, Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Colonel Moore:

This responds to your September 21, 1998 request for comments on the September 1998 draft feasibility report entitled Navigation Study for Ponce de Leon Inlet, Florida. This plan for navigation improvements at Ponce de Leon Inlet provides for construction of a 1,000-foot extension to the south jetty, with a scour apron.

Our Protected Resources Division reviewed the navigation project in September 1996 when the Corps requested consultation under section 7 of the Endangered Species Act of 1973 (ESA). At that time the Corps submitted a Biological Assessment (BA) pursuant to section 7 of the ESA. We reviewed the BA and concurred with the Corps' determination that populations of endangered or threatened species under our purview would not be adversely affected by the proposed project. This concurrence was based in part on the protective measures called for in the BA. The present project described in the navigation study document has been pared down from the original proposal we consulted on. Essentially, only extension of the south jetty and construction of the scour apron remains. If anything, this project is *less* likely to adversely affect listed species under NMFS jurisdiction. Therefore, our original conclusions are *unchanged*, assuming the original protective measures are enforced.


Ponce de Leon Inlet is regularly maintained using hopper dredges, though the Navigation Study states that no maintenance dredging is scheduled until after 1999. Any dredging involved in this project would be subject to the August 25, 1995 biological opinion on dredging in the Southeastern United States.

This concludes COE consultation responsibilities with NMFS under section 7 of the ESA. However, consultation should be reinitiated if new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the



identified activity is subsequently modified or critical habitat determined that may be affected by the proposed activity. If you have any questions, please contact Eric Hawk at 727/570-5312.

Sincerely yours,


for Andrew J. Kemmerer
Regional Administrator

cc: F/SER4 - A. Mager
F/PR3



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

October 19, 1998

Colonel Joe R. Miller, District Engineer
Jacksonville District Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Miller:

The National Marine Fisheries Service (NMFS) has reviewed, as requested by your staff on September 21, 1998, the Draft Finding of No Significant Impact, Draft Environmental Assessment, and Draft Feasibility Report for proposed navigation improvements at Ponce DeLeon Inlet, Volusia County, Florida. Various alternatives to improve navigation and safety within the inlet were investigated with the selected plan calling for a 1000-foot seaward extension of the existing south jetty.

The subject documents adequately identify and assess the potential impacts to NMFS trust resources that could occur from implementation of the various alternatives examined. The NMFS concurs with the findings which indicate that adverse impacts to living marine resources would be minimal from implementation of the selected plan. If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. David N. Dale in St. Petersburg, Florida. He may be contacted at 727/570-5317 or at the letterhead address above.

Sincerely,

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER4
F/SER43
EPA-Atlanta
FWS-Jacksonville





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 9 1992

District Engineer, Jacksonville
P.O. Box 4970
Jacksonville, FL 32232

Attn.: Mr. Rea N. Boothby

Subject: Environmental Assessment (EA) and Finding of No
Significant Impact (FONSI) for the Improvements to
Ponce Deleon Inlet Navigation, Volusia County, FL

Dear Sir:

Pursuant to Section 309 of the Clean Air Act, EPA, Region 4 has reviewed the subject document which discusses the immediate impacts and long-term consequences of lengthening the south jetty approximately 1000 feet. This action is an attempt to stabilize the entrance and inner channels between the Intracoastal Waterway and the Atlantic Ocean. This in turn should improve boating safety in the vicinity of the Inlet where numerous groundings have been reported.

The scope/consequences of the action appear to be within acceptable limits in order to achieve project objectives. Overall, we have no significant objections to the use of an EA to evaluate the consequences of the proposal rather than the more comprehensive environmental impact statement format.

Thank you for the opportunity to comment on this action. If we can be of further assistance in this matter, Dr. Gerald Miller (404-562-9626) will serve as initial point of contact.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heinz J. Mueller", is written over a horizontal line.

Heinz J. Mueller, Chief
Office of Environmental Assessment



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive South
Suite 310

Jacksonville, Florida 32216-0912

IN REPLY REFER TO:
FWS/R4/ES-JAFL

FEB 17 1998

Colonel Joe R. Miller
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Attn: Planning Division

Dear Colonel Miller:

Thank you for your December 18, 1997, letter regarding lighting requirements under the sea turtle incidental take statements for several beach nourishment projects. In your letter you identified problems associated with the restricted lighting requirements and requested that the red filters and low pressure sodium lighting requirements be deleted from all existing and future beach nourishment projects. The Fish and Wildlife Service's South Florida Ecosystem Office has already responded regarding projects within its area of jurisdiction. This letter addresses three projects you identified within the Jacksonville Field Office's area of jurisdiction: Ponce de Leon Inlet Navigation, Nassau County Shore Protection Program, and Brevard County Shore Protection Program.

The Service revises the Terms and Conditions regarding project-associated lighting for the Ponce de Leon Inlet Navigation and Nassau County Shore Protection Program projects to read as follows:

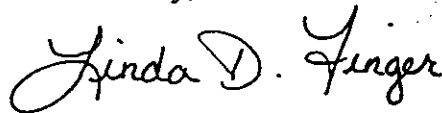
From April 15 through November 30, all on-beach lighting associated with the project shall be limited to the immediate area of active construction only. Shielded low pressure sodium vapor lights are recommended to minimize illumination of the nesting beach and nearshore waters. Lighting on offshore equipment shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements. Shielded low pressure sodium vapor lights are highly recommended for lights on offshore equipment that cannot be eliminated.

The Service revises the Term and Condition regarding project-associated lighting for the Brevard County Shore Protection Program project to read as follows:

From March 1 through April 30 and November 1 through November 30, all on-beach lighting associated with the project shall be limited to the immediate area of active construction only. Shielded low pressure sodium vapor lights are recommended to minimize illumination of the nesting beach and nearshore waters. Lighting on offshore equipment shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements. Shielded low pressure sodium vapor lights are highly recommended for lights on offshore equipment that cannot be eliminated.

Please contact Don Palmer of our office at (904)232-2580 (extension 115) if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda D. Finger".

for David L. Hankla
Field Supervisor

cc: Sandy MacPherson, Fish and Wildlife Service, Jacksonville, FL
David Arnold, Florida Department of Environmental Protection, Tallahassee, FL



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF HISTORICAL RESOURCES

August 27, 1997

Mr. Dennis R. Duke
Planning Division, Environmental Branch
Jacksonville District, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

In Reply Refer To:
Scott B. Edwards
Historic Sites Specialist
Project File No. 973791

RE: Cultural Resource Assessment Request
Florida Inland Navigation District (FIND)
Two Proposed Dredged Material Management Area (DMMA)
MSA 434/434C North and MSA 434/434C South
Volusia County, Florida

Dear Mr. Duke:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced projects for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

A review of the Florida Master Site File indicates that no significant archaeological or historical sites are recorded for or likely to be present within the project area. Furthermore, because of the project location and/or nature it is unlikely that any such sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing, in the *National Register of Historic Places*.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Ese

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (850) 488-1480
FAX: (850) 488-3353 • WWW Address <http://www.dos.state.fl.us>

☐ ARCHAEOLOGICAL RESEARCH
(850) 488-3300 • FAX: 488-3307

☒ HISTORIC PRESERVATION
(850) 487-2333 • FAX: 922-0496

☐ HISTORICAL MUSEUMS
(850) 488-1484 • FAX: 921-2503



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

April 16, 1997

Colonel Terry Rice
District Engineer, Jacksonville District
Department of the Army, Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Rice:

The National Marine Fisheries Service (NMFS) has reviewed your staff's letter, dated March 18, 1997, requesting comments and study objectives for proposed navigation improvements at Ponce DeLeon Inlet, Volusia County, Florida. The Corps of Engineers (COE) has been studying a series of alternatives to address navigation problems which have occurred since project construction was completed in July 1972. In addition to navigation problems, the COE is now studying the feasibility of deepening portions of the south channel and Atlantic Intracoastal Waterway from 12-foot deep to 16-foot deep to accommodate a proposed commercial marina at the old Swoope Power Plant site.

Deepening and/or widening navigation channels at Ponce DeLeon Inlet could adversely affect living marine resources for which we are responsible. The project area contains wetlands and other aquatic habitats that are recognized by the NMFS as public trust resources that provide habitat and water quality functions that are essential to maintaining viable recreational and commercial fisheries in the Halifax River and Indian River North/Mosquito Lagoon ecosystems. Freshwater, brackish and salt marshes, mangrove wetlands, shellfish reefs, tidal flats and seagrasses could be affected by the proposed action.

In its March 1995 Status Report to the NMFS's Regional Administrator, the COE identified data gathering activities undertaken for a model study and physical model of the proposed navigational improvements at Ponce DeLeon Inlet. These models should be modified or new models constructed to assess the impact of the proposed action. Impacts on tidal flows, freshwater input flows, currents and salinity regimes should be addressed. The NMFS is concerned, for instance, that altering salinity regimes could have significant effects on the existing environments within the Inlet. The conversion or loss of emergent wetlands or seagrasses could occur and the physical/chemical components of niches could be lost thus impacting food-chain and population dynamics. For example, oyster drills could be introduced into shellfish areas which were previously protected from predation by salinity barriers.



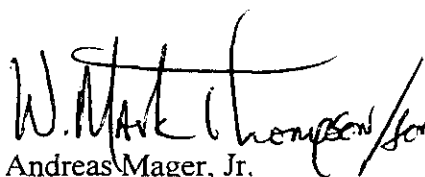
In view of the above, the NMFS recommends that in its study the COE should address the following:

- 1). The alternatives to the proposed action;
- 2) The aquatic habitats within the Inlet and the potential direct (e.g. dredging) and indirect (e.g. modified salinity) alterations that may occur to various habitats;
- 3) The affect of habitat alterations from the proposed action on commercial and recreational fisheries in the area as well as the effect on ecologically important (i.e. food chain) species; and,
- 4) The alternatives available to compensate for the loss or alteration of aquatic habitats.

Also, it is our understanding that the proposed marina facility, which has prompted this study, has not received all necessary authorizations to be constructed including a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The NMFS has provided comments and recommendations to previous marina permit applications including recommendations to deny Department of the Army authorization of a marina at the Swoope Power Plant site. The need for the proposed action should be clearly identified prior to committing irretrievable resources to this project that would adversely affect living marine resources.

If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. David N. Dale of our Panama City Branch Office in St. Petersburg, Florida. He may be contacted at 813/570-5317 or at the letterhead address above.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Mark Thompson". The signature is stylized with a large, sweeping "W" and a long, horizontal stroke extending to the right.

Andreas Mager, Jr.
Assistant Regional Director
Habitat Conservation Division

cc:

EPA,ATL

DEP,TALL

FWFC,TALL

FWS,JACKSONVILLE

F/SEO2

F/SEO23-ST PETE



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



REPLY TO
ATTENTION OF

Planning Division
Environmental Branch

March 18, 1997

TO WHOM IT MAY CONCERN:

U.S. Army Corps of Engineers (Corps), Jacksonville District, is continuing to gather information to define issues and concerns that will be addressed in a feasibility-level report on proposed navigation improvements at Ponce DeLeon Inlet, Volusia County, Florida.

In letters dated September 29, 1992, and February 7, 1995, the Corps presented a series of alternatives for navigation improvements and requested views, comments and information regarding those alternatives. Responses were incorporated into the Reconnaissance Report and further comments will be considered in the Feasibility Report.

Subsequent to completion of the draft Feasibility Report, local interests proposed a new commercial marina and seafood processing facility to be constructed on county property adjacent to the Intracoastal Waterway in the vicinity of Rockhouse Creek. The local sponsor has requested that the Corps study the feasibility of expanding the Federal project to accommodate these facilities (see attached sheet for description).

The Corps welcomes your views, comments and any pertinent information about resources, study objectives and important features within the described study area, as well as any suggested improvements. Letters of comment or inquiry should be addressed to the letterhead address to the attention of Planning Division, Environmental Studies Section and received by this office within 30 days of the date of this letter.

Sincerely,

Hanley K. Smith
Acting Chief, Planning Division

Enclosure

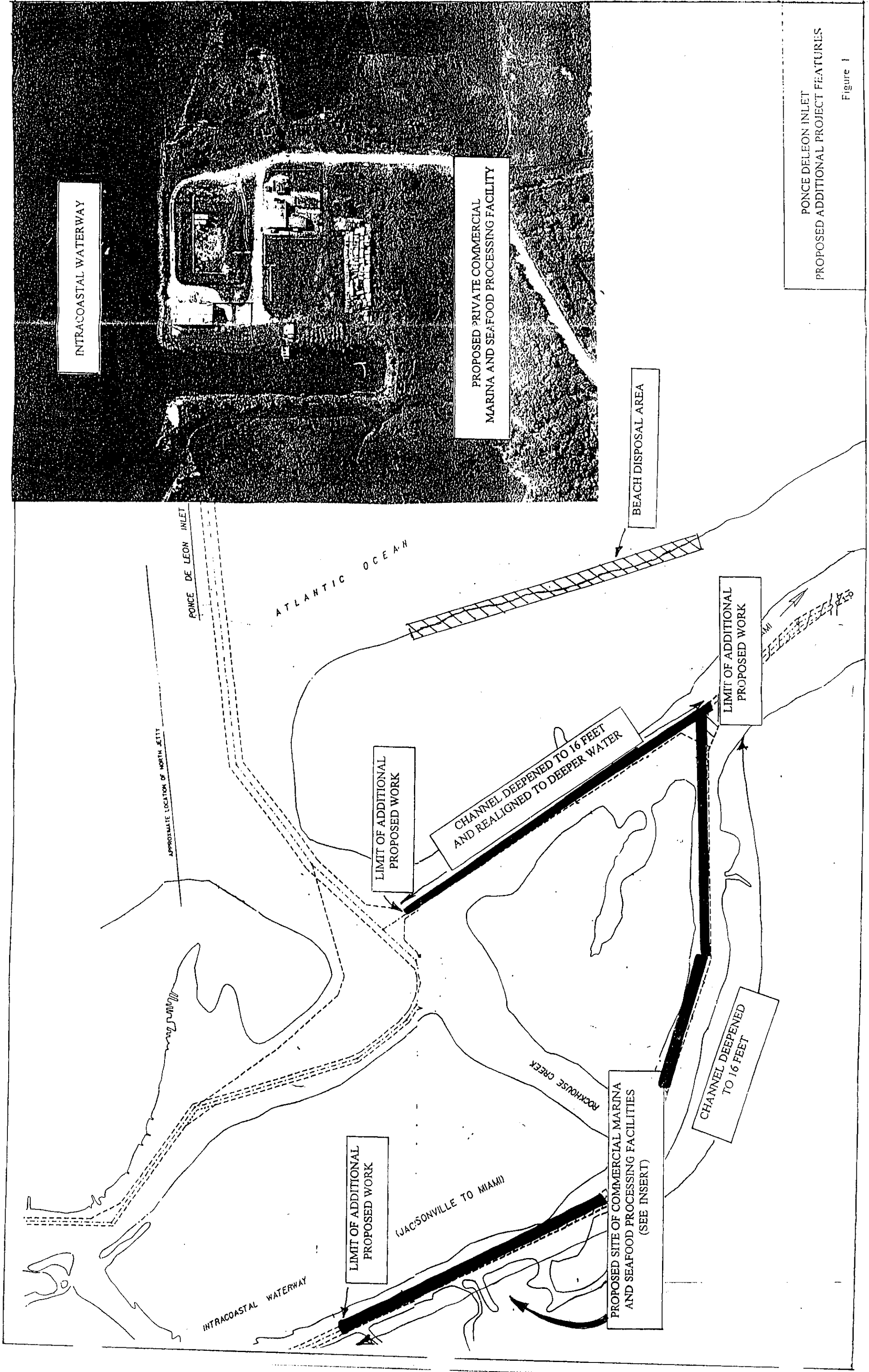
**PONCE DELEON INLET
VOLUSIA COUNTY, FLORIDA
DESCRIPTION OF ADDITIONAL PROJECT FEATURES**

1.0 Proposed New Project Features. The Corps has been requested to consider additional project features for the Ponce DeLeon Inlet Navigation Improvements study. The proposal is to realign the southern portion of the Ponce DeLeon Inlet Federal channel in the Indian River to Cut-24 of the IWW and to deepen the existing IWW channel from Cut-24 north to an the site of the old Swoope Power Plant site on the west side of the IWW north of Rockhouse Creek (Figure 1). The channel would be deepened from an authorized depth of 12 feet to 16 feet with a width of 125 feet for a distance of approximately 16,00 feet from Cut-24. About 360,000 cubic yards of beach quality material will be removed from the channel and placed on the beach south of Ponce DeLeon Inlet.

2.0 Proposed Docking and Marina Facilities. Local interests are proposing construction of commercial marina and seafood processing facilities on county property adjacent to the IWW to support part of the regional shrimp and fish fleet harvesting operations in nearby Atlantic Ocean waters (Figure 1). Docking facilities will be constructed to support berthing areas which are needed for offloading the catch and provisioning of the fleet. Additional landside facilities will include buildings or facilities to house and facilitate operation of seafood processing machinery, mainly for handling the catch from regional shrimp fisheries and the evolving fisheries for red and golden crabs. Anticipated requirements are for the construction of both docks and processing facilities to accommodate a fleet of both homeport and transient vessels with a combined total of 100 to 120 vessels of which 25 to 40 are expected to be in port at any given time. Facilities are being designed to accommodate about 35 vessels at one time. Therefore, total dockage requirements vary from a minimum of 700 feet to a more probable maximum of nearly 1100 feet. Of this total, approximately 500 to 550 feet of dockage will be built along the south side of an existing service canal on the north side of the site while the remaining footage will be built on the east side of the site along the IWW.

2.1 Docks will be constructed using one of two methods or a combination of both. One type will be of sheet pile construction with a concrete cap and solid backfill/underfill to provide a solid dock and bulkhead. The second type will be a concrete piling and cap constructed above and adjacent to (or in front of) riprap or armour stone. Landside facilities for commercial fishery operations will require one or two buildings or similar facilities each of approximately 25,000 to 35,000 square feet depending upon equipment requirements or configuration and refrigerated storage space. The width of these facilities will be about 130 feet.

2.2 In addition to the primary specifications of the processing buildings and dockage, there will likely be requirements on-site for the handling or storage of fishing equipment such as rigging or traps, ice production facilities for packing landside and aboard vessels and storage of fuel for vessel operations. Handling and/or shipment of marine food products by heavy trucks will probably require paving of the primary access road leading to the site as well as paving of wheeled vehicle access and marshaling areas on-site.



PONCE DE LEON INLET
PROPOSED ADDITIONAL PROJECT FEATURES

Figure 1

PONCE DE LEON INLET
MAILING LIST

Director
Office of Federal Activities (A-104)
Environmental Protection Agency
401 M Street SW
Washington, D.C. 20024-2610 (5 cys)

Director
Department of Commerce
NOAA/CS/EC/Room 6222
14 and Constitution Ave., NW
Washington, DC 20230 (4 cys)

Mr. Bruce Blanchard, Director
Office of Environmental Project
Review
Department of the Interior,
Room 4241
18th and C Streets, NW
Washington, D.C. 20240 (12 cys)

Executive Director
Advisory Council on Historic
Preservation
The Old Post Office Building
1100 Pennsylvania Avenue NW 809
Washington, D.C. 20004-2590

Florida Audubon Society
1101 Audubon Way
Maitland, FL 32751-5451

Mr. John Rains, Jr.
Isaak Walton League of America, Inc.
5314 Bay State Road
Palmetto, Florida 33561-9712

Field Supervisor
U.S. Fish and Wildlife Service
P. O. Box 2676
Vero Beach, FL 32961-2676

State Clearinghouse
Office Of Planning & Budgeting
Executive Office of the Governor
The Capitol
Tallahassee, FL 32301-8074 (16 cys)

Florida Wildlife Federation
P. O. Box 6870
Tallahassee, FL 32314-6870

Florida Defenders of the Environment
2606 NW 6th Street
Gainesville, FL 32609

State Conservationist
Soil Conservation Service
U.S. Department of Agriculture
401 First Ave., SE
P. O. Box 1280
Gainesville, FL 32602-1280

Regional Environmental Officer
Housing & Urban Development
Room 600-C
75 Spring St., SW
Atlanta, GA 30303-3309 (2 cys)

Mr. Heinz Mueller
Environmental Policy Section
EPA, Region IV
345 Courtland Street, N.E.
Atlanta, GA 30365-2401 (5 cys)

Wilderness Society
4203 Ponce de Leon Boulevard
Coral Gables, FL 33416

State Director, ASCS
U.S. Department of Agriculture
P. O. Drawer 670
Gainesville, Florida 32602-0670

Dr. Elaine Harrington
Florida Chapter
Sierra Club
927 Delores Drive
Tallahassee, FL 32301-2929

National Marine Fisheries Service
Environmental Assessment Branch
3500 Delwood Beach Road
Panama City, FL 32407-7499

National Marine Fisheries Service
Office of the Regional Director
9450 Koger Boulevard
St. Petersburg, FL 33702-2496

National Marine Fisheries Service
Chief, Protected Species Branch
9450 Koger Boulevard
St. Petersburg, FL 33702-2496

Mr. Steve Fitch
Forest Supervisor
U.S. Forest Service
227 N. Bronough Street
Suite 4061
Tallahassee, Florida 32301

St. Johns River Water
Management District
P.O. Box 1429
Palatka, Florida 32178-1428

Mr. John Hutchinson
Lighthouse Boatyard
4958 S. Peninsula Dr.
Ponce Inlet
Daytona Beach, Florida 32127

Mr. Charlie Schammel
Critter Fleet
4950 S. Peninsula Dr.
Ponce Inlet, Florida 32127

Mr. Bob Stone
Critter Fleet
4950 S. Peninsula Dr.
Ponce Inlet, Florida 32127

Mr. Tim Garrett
Critter Fleet
4950 S. Peninsula Dr.
Ponce Inlet, Florida 32127

Mr. Carey St. Clair
Sea Love Marina
4884 Front St.
Ponce Inlet, Florida 32127

Mr. Greg DeBrango
King's Seafood
79 Dunlawton Avenue
Port Orange, Florida 32119

Mr. George C. Francis
King's Seafood
79 Dunlawton Avenue
Port Orange, Florida 32119

Mr. Oliver Joyner
Adventure Yacht Harbor
3948 S. Peninsular
Daytona Beach, Florida 32127

Mr. William Feger
Feger's Seafood
P.O. Box 24
New Smyrna Beach, Florida 32170

Mr. John Began
Feger's Seafood
6714 Ramoth Drive
Jacksonville, Florida 32226

Mr. George Reynolds
Feger's Seafood
120 B Jackson Avenue
Cape Canaveral, Florida 32920

Mr. Jimmy Rodgers
Feger's Seafood
P.O. Box 24
New Smyrna Beach, Florida 32170

Mr. Paul Pickett
Sea Harvest Seafood
107 North Riverside Drive
New Smyrna Beach, Florida 32169

Mr. Bill Brehm
The Boat Club Marina
111 N. Riverside Drive
New Smyrna Beach, Florida 32168

Commander
United States Coast Guard
State Ponce DeLeon
P.O. Box 370
New Smyrna Beach, Florida 32170

Commander
Seventh Coast Guard District
United States Coast Guard
Brickell Plaza Federal Building
Miami, Florida 33131-3050

Mr. Daniel M. O'Brien
Port Authority Coordinator
Ponce DeLeon Port Authority
440 S. Beach Street
Daytona Beach, Florida 32114



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

May 13, 1997

JAMES F. MURLEY
Secretary

Mr. Hanley K. Smith
U.S. Army Corps of Engineers
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Army Corps of Engineers - Proposed Navigation
Improvements and Commercial Facilities - Ponce de Leon
Inlet, Volusia County, Florida
SAI: FL9210021642CR

Dear Mr. Smith:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) offers general comments regarding dredging, dock expansion and the protection of manatees, sea turtles, and right whales. The DEP and the St. Johns River Water Management District (SJRWMD) indicate that permits will be required for both the dredging and the proposed dock expansion prior to the start of construction. A Joint Coastal Permit issued by DEP's Bureau of Beaches and Coastal Systems will be required for the realignment and deepening of the navigation channels and the placement of dredged material seaward of the Coastal Construction Control Line. Early coordination with the DEP may help to eliminate problems in the permitting process. Please refer to the enclosed DEP and SJRWMD comments.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8600 N.W. 36th Street
Miami, Florida 33159-4022

GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin
Bartow, Florida 33830-4641

Mr. Hanley K. Smith
May 13, 1997
Page Two

Based on the information contained in the notification of intent and the enclosed comments provided by our reviewing agencies, the state has determined that the above-referenced project is consistent with the Florida Coastal Management Program.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Keri Akers, Clearinghouse Coordinator, at (904) 922-5438.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ralph Cantral', with a stylized, cursive script.

Ralph Cantral, Executive Director
Florida Coastal Management Program

RC/cc

Enclosures

cc: Dan Pennington, Department of Environmental Protection
Margaret Spontak, St. Johns River Water Management District



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

May 6, 1997

Ms. Keri Akers, Coordinator
Department of Community Affairs
Suite 305
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Re: SAI # FL9210021642CR - U.S. Army Corps of Engineers - Proposed Navigation
Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia County

Dear Ms. Akers:

The department has reviewed the proposed navigation improvements and offers the following
comments.

Protected Species

Manatees, sea turtles and right whales may all be impacted by the construction or operation
phases of this proposal. As requested by the USCOE we offer these comments/questions
concerning this proposal:

1. In the areas proposed for channel deepening, will there be any impacts to existing submerged
and/or emergent vegetation?
2. Regarding the proposed fishing fleet, what will be the expected increase in vessel traffic and
expected traffic pattern, in the vicinity of the inlet, due to the proposed commercial marina?
3. How was it established that the 360,000 cubic yards of material removed from the channel is of
beach quality? Where will the material that is not beach quality be placed?

We will be able to address impacts related to manatees, sea turtles and right whales after we have
evaluated the answers to the above questions and during the permitting process.

Dredging

Review of the project indicates that dredging is being proposed to increase the navigability of the
channels in Ponce de Leon Inlet. It appears that the majority of the dredging proposed will occur in
areas which have been previously dredged, but which will be re-dredged to increase depth. In these
areas, unless the channel width increases substantially as a result of the dredging, there should be
few expected impacts.

Post-It® Fax Note	7671	Date	# of pages 2
To Keri Akers	From Don Pennington	Co.	
Co./Dept.	Phone # 487-2231	Fax #	

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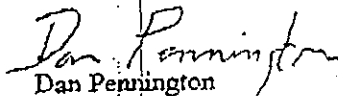
Mention was made to realigning the southern portion of Ponce de Leon Federal Channel in the Indian River to Cut- 24 of Intracoastal Water Way. No details were provided regarding this realignment proposal, nor were details provided regarding the existing resources in this area. New dredging may have substantial impact to resources such grass beds.

No details were provided regarding the dock expansion, so the impacts of the proposed work are impossible to appraise. If the dock expansion is to occur in undisturbed areas, then there could be potential for resource impact.

A DEP, Environmental Resource Permit (ERP) will be required for both the dredging and the proposed dock expansion. Evaluation of impacts, as well as stormwater management concerns are within the jurisdiction of the ERP process. The process also determines the status of the proposed project with respect to State Water Quality Certification, required to obtain a Army Corps of Engineers permit. In addition, construction of the portion of project involving realignment and deepening of the navigation channels and placement of dredged material seaward of the Coastal Construction Control Line (CCCL) would require issuance of a Joint Coastal Permit (JCP) by the DEP Bureau of Beaches and Coastal Systems, pursuant to Chapters 161, 373, and 253, F.S. Sediment geotechnical information will be required to determine whether the material dredged from the navigation channels is suitable for placement on the beach disposal area. A portion of the dredged material that is not beach quality (over 10% fines), may be determined to be suitable for placement in the nearshore disposal area. An alternative disposal site should also be established for dredged material determined to be unsuitable for placement at either of these sites.

If you have any questions please call me at (904) 487-2231.

Cordially,


Dan Pennington

Office of Intergovernmental Programs

DP

cc: Ruth McLemore-Price, Central District DEP - Orlando
Lauran Milligan, Beaches and Coastal System
Carol Knox, Office of Protected Species Management
Fritz Wettstein, Division of Marine Resources
Terry Zable, Central District DEP - Orlando

Message:

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Community Affairs
 Environmental Protection
 Game and Fresh Water Fish Comm
 X Marine Fisheries Commission
 OTED
 State
 Transportation

RECEIVED

MAR 27 1997

MARINE FISHERIES
COMMISSION

St. Johns River WMD

Environmental Policy/C & ED

RECEIVED

MAR 28 1997

State of Florida Clearinghouse

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers - Proposed Navigation Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia Co Florida

To: Florida State Clearinghouse
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 (904) 922-5438 (SC 292-5438)
 (904) 414-0479 (FAX)

EO. 12372/NEPA

Federal Consistency

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

- ☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☒ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

MARINE FISHERIES COMMISSION
 2540 EXECUTIVE CENTER CIRCLE WEST
 SUITE 106
 TALLAHASSEE, FLORIDA 32301

[Signature]
 3-27-97

Message:

SAI#:

FL9210021642CI

STATE AGENCIES

Community Affairs
 Environmental Protection
 Game and Fresh Water Fish Comm
 Marine Fisheries Commission
 OTED
☒ State
 Transportation

WATER MANAGEMENT DISTRICTS

St. Johns River WMD

RECEIVED
 APR 15 1997

State of Florida Clearinghouse

OPB POLICY UNITS

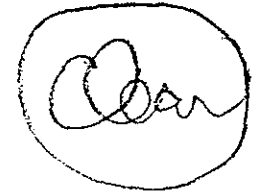
Environmental Policy/C & ED

VOLUSIA
 SAI-CORPS

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The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

☒ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Army Corps of Engineers - Proposed Navigation Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia County, Florida

To: Florida State Clearinghouse
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
 (904) 922-5438 (SC 292-5438)
 (904) 414-0479 (FAX)

EO. 12372/NEPA

☒ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

RECEIVED

MAR 27 1997

From:

Division/Bureau:

DIVISION OF HISTORICAL RESOURCES

Reviewer:

Laura B. Kammer

Date:

4/10/97

4-11-97

COMPLIANCE & REVIEW SECTION

COUNTY: VOLUSIA

Message:

COMMENT:

E-2 WKS:

CLEARANCE DUE DATE:

SAI#:

DATE:

03/23/97

04/08/97

05/09/97

FL9210021642CR

STATE AGENCIES

WATER MANAGEMENT DISTRICTS

OPB POLICY UNITS

Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTED
State
X Transportation

St. Johns River WMD

Environmental Policy/C & ED

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Project Description:

U.S. Army Corps of Engineers - Proposed Navigation Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia Cr Florida

To: Florida State Clearinghouse
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2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
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EO. 12372/NEPA

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

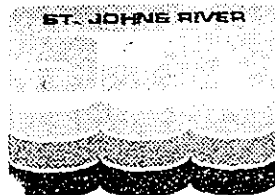
- ☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

FROM: Florida Department of Transportation

Jim Hayden, Systems Planning Supervisor

DATE:

4/2/97



WATER MANAGEMENT DISTRICT

John R. Wenle, Assistant Executive Director

POST OFFICE BOX 1429

PALATKA, FLORIDA 32178-1429

TELEPHONE 904-329-4500

SUNCOM 904-860-4500

TDD 504-329-4450

TDD SUNCOM 860-4450

FAX (EXECUTIVE/LEGAL) 329-4125

(PERMITTING) 329-4315

(ADMINISTRATION/FINANCE) 329-4508

SERVICE CENTERS

618 E. South Street
Orlando, Florida 32801
407-897-4300
TDD 407-897-5960

7775 Baymeadows Way
Suite 102
Jacksonville, Florida 32256
904-730-6270
TDD 904-448-7900

PERMITTING:
305 East Drive
Melbourne, Florida 32904
407-984-4940
TDD 407-722-5368

OPERATIONS:
2133 N. Wickham Road
Melbourne, Florida 32935-8109
407-254-1762
TDD 407-253-1203

April 16, 1997

Ms. Keri Akers
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RECEIVED
APR 24 1997

State of Florida Clearinghouse

Re: SAI #: FL9210021642CR

Name of Project: USACE - Proposed Navigation Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia County, Florida.

Dear Ms. Akers:

The staff of the St. Johns River Water Management District (SJRWMD) has reviewed the above referenced project and offers the following comments regarding the District's areas of responsibility which include water quality, water supply, flood protection, and natural systems.

Staff believes that the proposed project would be consistent with SJRWMD's goals and objectives as long as all projects conform to SJRWMD design and construction criteria defined in Chapter 40C-4, F.A.C. A particular project may be considered "consistent" with SJRWMD rules when a District permit is issued or the project is exempted from our permitting requirements.

In this project, any individual Environmental Resource Permit (ERP) that may be required owing to the project's size or probable wetland impacts would be reviewed by the Department of Environmental Protection (DEP). DEP assumes ERP responsibilities for projects involving large commercial marinas, navigational dredging, and work seaward of the coastal construction control line according to the August 1994 Operating Agreement between the District and DEP. Staff believes the project could be designed and constructed to avoid unacceptable, adverse impacts to adjacent properties and natural resources.

For additional information on the permitting process, the applicant can contact SJRWMD's Orlando Service Center at (407) 897-4300.

This letter does not constitute or substitute for a permit review. Permit reviews require more specific information.

William M. Segal, CHAIRMAN
MAITLAND

Dan Roach, VICE CHAIRMAN
FERNANDINA BEACH

James T. Swann, TREASURER
COCCA

Otis Mason, SECRETARY
ST. AUGUSTINE

Kathy Chinoy
JACKSONVILLE

Griffin A. Greene
VERO BEACH

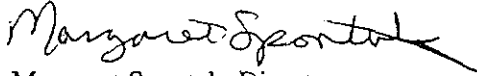
James H. Williams
OCALA

Patricia T. Harden
SANFORD

Reid Hughes
DAYTONA BEACH

If you have any questions about our comments, please contact me at (904) 329-4374.

Sincerely,

A handwritten signature in cursive script, reading "Margaret Spontak". The signature is written in dark ink and has a fluid, connected style.

Margaret Spontak, Director
Division of Policy and Planning

EJ/REG/ljs

COUNTY: VOLUSIA

DATE: 03/25/97
COMMENTS DUE-2 WKS: 04/08/97
CLEARANCE DUE DATE: 05/09/97
SAI#: FL92100216420

Message:

STATE AGENCIES

Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTED
State
Transportation

WATER MANAGEMENT DISTRICTS

X St. Johns River WMD

OPB POLICY UNITS

Environmental Policy/C & ED

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Project Description:

U.S. Army Corps of Engineers - Proposed Navigation Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia County, Florida

To: Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(904) 922-5438 (SC 292-5438)
(904) 414-0479 (FAX)

EO: 12372/NEPA

Federal Consistency

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

- ☐ No Comment/Consistent
☒ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau: Policy & Planning

Reviewer: Margaret H. Spontak

Date: 4-16-97

COUNTY: VOLUSIA

Message:

DATE: 03/25/97
COMMENTS: E-2 WKS: 04/08/97
CLEARANCE DUE DATE: 05/09/97
SAI#: FL9210021642CR

STATE AGENCIES

Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
OTED
State
Transportation

WATER MANAGEMENT DISTRICTS

St. Johns River WMD

OPB POLICY UNITS

X Environmental Policy/C & ED

RECEIVED
MAY 2 1997

State of Florida Clearinghouse

RECEIVED
MAR 26 1997

OFFICE OF PLANNING
& BUDGETING
ENVIRONMENTAL POLICY UNIT

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

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Project Description:

U.S. Army Corps of Engineers - Proposed Navigation Improvements and Commercial Facilities - Ponce de Leon Inlet, Volusia C Florida

To: Florida State Clearinghouse

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(904) 922-5438 (SC 292-5438)
(904) 414-0479 (FAX)

EO. 12372/NEPA

- ☒ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

- ☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

EO 6.0 PB Env. Policy
m. Tennes
4/30/97

m

June 9, 19997

Planning Division
Environmental

Mr. David Hankla
Field Supervisor
U. S. Fish and Wildlife Service
Suite 310
6620 Southpoint Drive, South
Jacksonville, Florida 32217

Dear Mr. Hankla:

The U.S. Army Corps of Engineers (Corps), Jacksonville District, is initiating consultation under Section 6(a)(2) of the Coastal Barrier Resources Act (CBRA) for Unit P08 of the Coastal Barrier Resources System, Ponce De Leon Inlet, Florida. Section 6(a)(2) of the Act states that " In General - Notwithstanding Section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following: (2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction."

Based on the Exceptions listed in Section 6(a)(2) above, the Corps believes that the proposed expansion of the Ponce De Leon Inlet Navigation project to include dredging of the Intracoastal Waterway is exempt from the Coastal Barrier Resources Act and requests your concurrence in this matter. If you have further questions, please feel free to contact this office.

Sincerely,

Hanley K. Smith
Acting, Chief, Planning Division

Boothby/CESAJ-PD-ER/343/nw
Dugger/CESAJ-PD-ER
Smith/CESAJ-PD-E
Murphy/CESAJ-PD-PN
Strain/CESAJ-PD-P
Smith/CESAJ-PD-E/CESAJ-PD

w/boothby/pdicbra

FEGER SEAFOOD, INC.
P.O BOX 24
244 N. CAUSEWAY
NEW SMYRNA BEACH, FL 32170-0024

March 28, 1997

Mr. Hanley K. Smith
Acting Chief, Planning Division
Environmental Studies Section
Department of The Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Reference: Proposed navigation improvements at Ponce DeLeon Inlet, Volusia County, Florida

Dear Mr. Smith:

As per your document dated March 18, 1997 soliciting views and comments concerning the above reference, we wish to submit the following:

1. Being established in 1938, Feger Sea Food, Inc. is the oldest retail/wholesale business in New Smyrna Beach. Our Manager, Steve Feger is the third generation relying on our commercial activity for his livelihood and his son Joshua will be the fourth (4th) generation.
2. We strongly protest the development of a new facility as proposed for seafood processing. This new facility will impact on the private business of Feger Sea Food, Inc. Being in business for all these years, it should be obvious that we are not opposed to any business coming into the area, however we are opposed to the use of our public tax dollars for assisting a business that will be in competition with and that would so greatly impact the future of the business and the livelihood of the family and all our employees.
3. We have repeatedly requested a minimal dredging of the Inlet to assist in the safety of navigation of the fleet that we serve, only to be denied by the CORPS. The proposed project seems to be a double standard and "smacks" of discrimination to us to deny the oldest business of New Smyrna while at the same time considering the expenditure of hundreds of thousands of dollars at the expense of our livelihood at Feger Seafood, Inc.
4. It is our belief (view) that there is more than ample dockage and supporting facilities that currently exist that could be expanded and/or improved that would have minimal economic and environmental impact, compared to the proposed project.
5. We at Feger Seafood, Inc. have a long history of concern for the environment and consider ourselves and insist that our employees exhibit stewardship of the environment and nature in general. The proposed projects dredging of 360,00 cubic

yards and the subsequent building of 25-35,000 square feet of buildings can only adversely affect an already fragile ecosystem.

6. It does not take a rocket scientist to realize that since seafood harvest quotas have already been drastically reduced for all species, there must be a diminishing supply of same. Shrimp harvesting is seasonal; six months per year (winter season of October, November, December and summer season of June, July and August). Your document of a yearly average number of vessels is misleading. It would seem that common sense has fallen by the wayside or there are those that insist upon ignoring common sense in proposing a project that would future reduced an already limited supply of seafood. With a proposed homeport/transient 100-120 vessel fleet, where are the shrimp and other seafood for this size fleet? Is it not short sighted to add a greater harvest that would expedite the over harvest of an already fragile population of seafood? Bigger is not always better and we feel that the "proposed project is a "paper tiger" that is misleading to say the least and servers a few developers at the cost of those of us established businesses.

7. We are not opposed to the correction of the shifting channels of Ponce DeLeon Inlet as evidenced by our requests to the CORPS and support the removal of the Inlet as the 7th worst in the United States. However, our support and concern is not driven by monetary motives as one would have to think the developers of the proposed project are. During our long tenure, Feger Seafood, Inc. has lost six (6) shrimp boats and the life of one of our crew. Even those these tragedies were not Inlet related, as a serendipity, we realize the devastating effects of 109 capsized boats on the economy of those in business. More importantly, the 20 seamen that have lost their lives should be the driving force in the Inlet project, not the driving force of development.

8. As previously stated, "bigger is not always better", we can also state without fear of contradiction that development and growth does not pay for itself. It is obvious to us that read between the lines of the proposed project that the developers that are the driving force does not want the public to know that the channelization and associated improvements will be only the "tip of the iceberg". With no area ice production facilities for packing, fuel storage, proper roads needed for the increased traffic (adding to an already significant problem), associated support services, etc, our current natural beauty and environmental integrity of the area and Inlet will be in jeopardy. All of us that live in this area, along with the tourist will have a reduced quality of life. Some things are best left as they are in order to protect us, the human species, along with all the endangered and threatened wildlife.

9. It is worthy of note that though we support expenditure of our public tax dollars to assure safe navigation of vessels through the Inlet, we will strongly contest and will fight for our right to refuse to allow the use of governmental tax dollars to assist the development of facilities,(not only in direct competition of Feger Seafood, Inc. and many of our friends that own marinas) by a hand full of developers tottering on the side of greed.

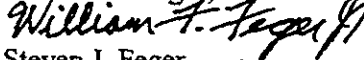
Joshua Feger, our fourth (4th) generation is too young to fight his fight to preserve his heritage but rest assured that we will fight the fight for him.

If common sense should not prevail and the powers beyond our influence and/or control decided that an expanded seafood processing business is a must, then we wish to go on record that Feger Seafood, Inc. has all the dockage and associated services necessary and are open to negotiating the sale of our business in lieu of losing the same after a one-half century of back breaking work. Joshua will not understand, but then neither will we. However, we intend to not only remain as the oldest business in New Smyrna Beach but remain as a viable enterprise for not only the Fegers, but for all our employees and their families.

To assist us in the fairness of the "fight", we hereby request, under the 1973 United States Freedom of Information Act, copies of ALL correspondence concerning the proposed project, current and in the future. This request includes ALL document and ALL names of parties associated with the request(s) of the proposed project, whether they be private, public and/or governmental. The request for ALL documents includes telephone logs, letters, memos, minutes of meetings and any other documents. The information should be sent in a timely manner, as mandated by law, to the address on the letterhead.

Respectfully yours,

William F. Feger, Jr.



Steven J. Feger



C: Legal Council

Environmental Consultant, Bayliss Prater, Certified Environmental Professional
File

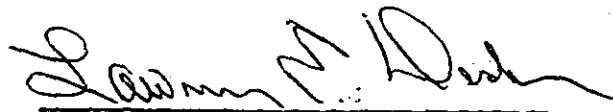
Aug. 18, 1997

MD
Scarbrough?
Walt
W2645

Memo to Corps of Engineers: (Mr. Murphy) (Jerry Scarborough??)

From: Lawrence E. Decker, concerned citizen

1. Information for your files on the Ponce Inlet commercial Port project by Dan O'Brien, Volusia County Port Authority
2. A lot of the local people and some govt. officials feel it is illogical to waste scarce federal and County tax dollars on a feasibility study re: a commercial fishing port at Ponce Inlet.
3. They feel things are too uncertain on the local level to even start thinking about such a study. Please hold off on the study until ownership of the Swoope's Electric Power Plant issue is decided by NSB and Volusia County. Right now NSB doesn't want to sell.
4. If this fishing port is finally built, local people believe it will be a subsidized "white Elephant", costing taxpayers millions initially and millions in the future to keep it going. Thank you---



Lawrence E. Decker
5906 John Anderson Hiway
Flagler Beach, Fla. 32136

904-672-7867

Enclosures:



County of Volusia

Ponce DeLeon Port Authority

700 Catalina Drive, Suite 125 • Daytona Beach, Florida 32114

Telephone: (904) 248-8072 • Fax: (904) 248-8075

TO: Hal Buckland, Director
Economic Resource Service Center

FROM: Dan O'Brien, Director *AO*
Port Authority Service Group

DATE: August 6, 1997

RE: F.I.N.D. Reimbursement Grant to Analyze Deepening the Inlet - \$50,000

Please find enclosed (2) two letters:

- (1) Feger Seafood
- (2) City of New Smyrna Beach

These letters were used by Mr. Lawrence Decker a long time anti-port person to challenge the F.I.N.D. staff recommendation to fund our grant, thus killing the grant for this year.

The County Council entered an agreement with the Corps to evaluate the deepening of the inlet to allow the more modern and larger fishing fleets to use our proposed facility at the Swoope power plant. The Port Authority has sent \$100,000.00 and executed this agreement months ago to initiate the project. This department applied for a \$50,000.00 F.I.N.D. reimbursement grant. Mr. Decker did not curtail the project. He just cost the taxpayers of Volusia County \$50,000.00 and accomplished nothing.

What bothers me are the letters. Mr. Feger has always been a proponent of re-stabilizing the inlet. He has his property up for sale. He has talked to me about moving to the proposed facility. I don't know where he is coming from unless he is scared of possible competition.

The City of New Smyrna Beach letter is the one that really concerns me. After two meetings with the City Manager and the Mayor discussing the issue, i.e., we discussed buying the Feger property that they need for their Riverside Re-Development plan and swapping the Feger parcel for the Swoope Plant, I was authorized by the City to proceed with negotiation with Mr. Feger. Based on an MAI appraisal I offered Mr. Feger verbally \$600,000.00 for his property, subject to the city swapping the power plant site. Mr. Feger talked with his wife and contacted me and



asked if we could increase the offer a little and I told him I would get back to him. I informed the city of the offer, no one said anything. I have kept you apprised of what was going on. In fact you attended one of the meetings with the Mayor and Manager. When County Councilperson Northey brought up the issue of a workshop, you told me not to proceed any further until after the workshop, which I have done.

This city letter flies in the face of reality and also cost the citizens of the district and New Smyrna Beach \$50,000.00 for no reason.

In my opinion the restabilization of this inlet is paramount for the safety of boaters and the economic well being of our Marine and Tourist Industry.

It is of the utmost importance to meet with the city regarding these issues.

Please keep me advised.

C: Lawrence Arrington, County Manager
City of New Smyrna Beach
Bill Feger



City of New Smyrna Beach

Office of the Mayor & City Commissioners

July 30, 1997

Mr. Art Wilde, Executive Director
FIND
1314 Marcinski Road
Jupiter, Florida 33477

Re: Ponce Inlet

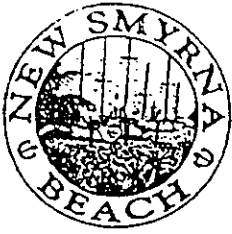
Dear Mr. Wilde:

I learned today that Volusia County has applied for a grant for a Ponce Inlet project. The project, as I understand it, would only happen if the City agreed to allow the County to use our Swoope power site. I would like to inform you that the City has no agreement with the County and the possibility exists that no such agreement will occur for the Swoope site.

Thanks for your time, and I hope this information is helpful to you.

Sincerely,

James L. Vandergriff
Mayor



City of New Smyrna Beach

Office of the Mayor & City Commissioners

July 29, 1997

Mr. Edward Aftuck
Inlet Shores Homeowners Association
32 Cunningham Drive
New Smyrna Beach, FL 32168

Dear Mr. Aftuck,

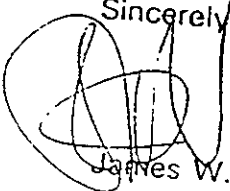
I am in receipt of your recent letter and express like sentiments regarding the Swoope Power Plant site.

As one Commissioner, I personally do not feel use of the site as a commercial fish processing plant would be a beneficial venture for the community as a whole. I will express my feelings in that regard during any discussion that entertains that proposal.

There are other possibilities and I am sure they will be carefully reviewed by the Commission prior to making any decision regarding the use of that site.

Thank you for expressing your concern regarding use of the Swoope site.

Sincerely,


James W. Hathaway
Commissioner, Zone 3

JWH/rjh

2

Edward Aftuck
Inlet Shores Homeowners Association
32 Cunningham Dr.
New Smyrna Beach, FL 32168

City of New Smyrna Beach
100 Sams Ave.
New Smyrna Beach, FL 32168

To the City of New Smyrna Beach City Commissioners and Planning Board Members;

I am writing to request that the City of New Smyrna Beach look into other alternatives for the use of the Swoop Power Plant before selling the property to the county to be used as a commercial fish processing plant. Please take into consideration the tax payers of Inlet Shores as well as adjoining property owners in a two mile radius of Swoop Power Plant.

A fish processing plant would adversely impact the value of the properties in the north section of New Smyrna Beach. I lived in Fernandina Beach, FL, and the smell coming from the fish processing plant there was terrible. I can't imagine trying to sell a home with that aroma in the air.

It is my understanding that according to the deed for the Swoop plant property (copy attached), that the property is to be used for public purposes only, and that the city can not sell or lease the property to any private person, firm or corporation.

Surely, there must be a better usage for this property; one that would not have a negative effect on the existing taxpayers the area.

Sincerely,



Edward Aftuck
Pres. Inlet Shores Homeowners Association

Feger Seafood Inc.

PO BOX 24
NEW SMYRNA BEACH, FL 32170
FAX (904) 427-5716
PHONE (904) 428-4441

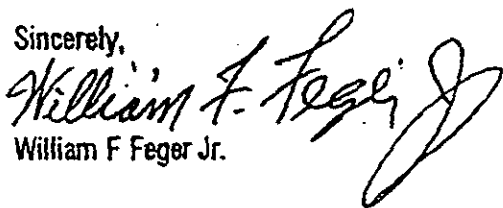
July 31, 1997

Dear Volusia County Commissioners,

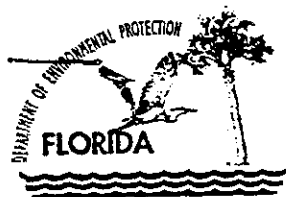
During our meeting in Deland some of the untruths that were stated were that we had plenty of fishing grounds here, which is untrue. I have four boats ("Bold Challenge", "Big Eric", "2nd Stage", and "Miss Emma") leaving now for the west coast due to the rules, regulations, and permits involved here. The shark season was open three weeks and then closed. You have to catch 20,000 pounds of snapper per year to qualify for that permit, and only a couple of boats have been able to do that in the last several years. Right now there are already too many boats for the size of our fishing grounds off Ponce Inlet and for the amount of fish we are allowed to catch.

If you would like to know the truth about the catches off the east coast of Florida you can contact Claudia Dennis at 904-427-6562. She is the National Marine Fisheries Service Biologist whose office is in New Smyrna Beach.

Sincerely,


William F Feger Jr.

Copy to: Army Corps of Engineers, Jacksonville, Fla.
Fla. Inland Navigation District, Jupiter, Florida
City of New Smyrna Beach, Fla.
Claudia Dennis, Biologist, National Marine Fisheries Service
at New Smyrna Beach, Fla.



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

020
Orig to PO-E
CF. DP-I Group
CO

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 21, 1997

Mr. Richard E. Bonner, P.E.
Jacksonville District
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Bonner:

Permit No. 64-286420-9, Volusia County
U. S. Army Corps of Engineers, Jacksonville District
Ponce De Leon Inlet Scour Apron

Your request to modify this permit has been received and reviewed by Department staff. The proposed modification is to authorize a landward extension of the authorized scour apron to be constructed along the inlet side of the north jetty of Ponce De Leon Inlet. The scour apron is to be extended approximately 900 feet landward from station 51+00 to station 60+05. The extension will require an additional 5,000 tons of bedding stone and 13,800 tons of rip-rap.

The above changes are not expected to adversely affect water quality and will be clearly in the public interest provided the Project Description is amended to the permit as issued:

The activity is to construct a scour apron approximately ~~1600~~ 2500 feet in length along the inlet side of the north jetty of Ponce De Leon Inlet in 25 to 45 feet of water between stations 35+00 and ~~51+00~~ 60+05. A two-foot thick bedding layer will be placed, extending from the toe of the jetty outward approximately 50 feet. A four-foot layer of granite rip-rap will then be placed on top of the bedding layer and will extend approximately 10 feet up the slope of the jetty, as shown on the approved drawings. The median size of the rip-rap will be 300 lbs. Total stone quantities are estimated to be ~~8900~~ 13,900 tons of bedding stone and ~~24,500~~ 38,300 tons of rip-rap.

Since the proposed modification is not expected to result in any water quality degradation or environmental resource impacts, the permit is hereby modified as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

This letter of approval does not alter the October 28, 2001 expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 14 days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

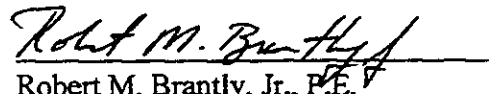
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person

has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Permit Modification is filed with the Clerk of the Department.

Sincerely,



Robert M. Brantly, Jr., P.E.
Professional Engineering Administrator
Bureau of Beaches and Coastal Systems

RMB/rvl

cc: DEP, Central District


DEP, Office of General Counsel

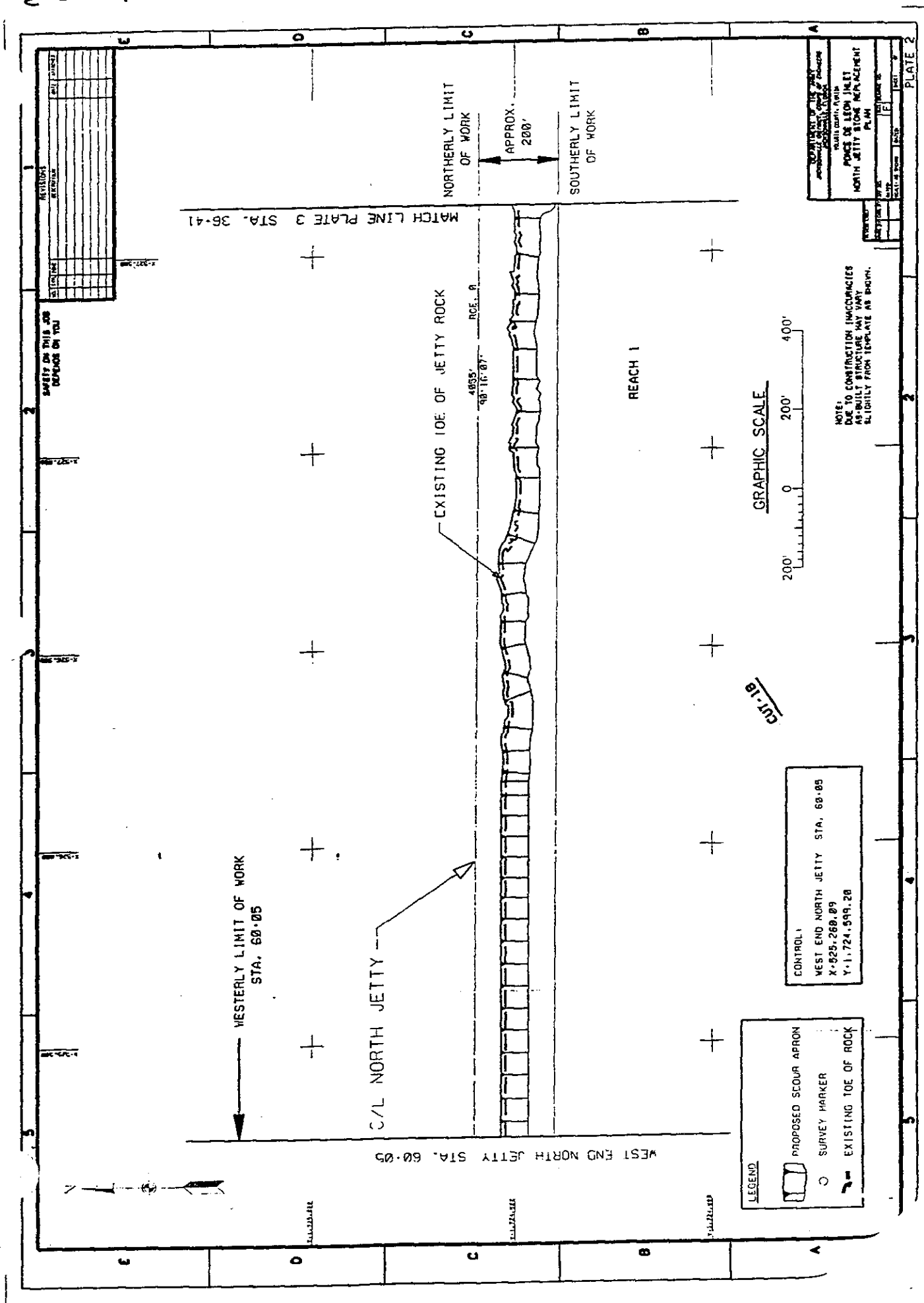
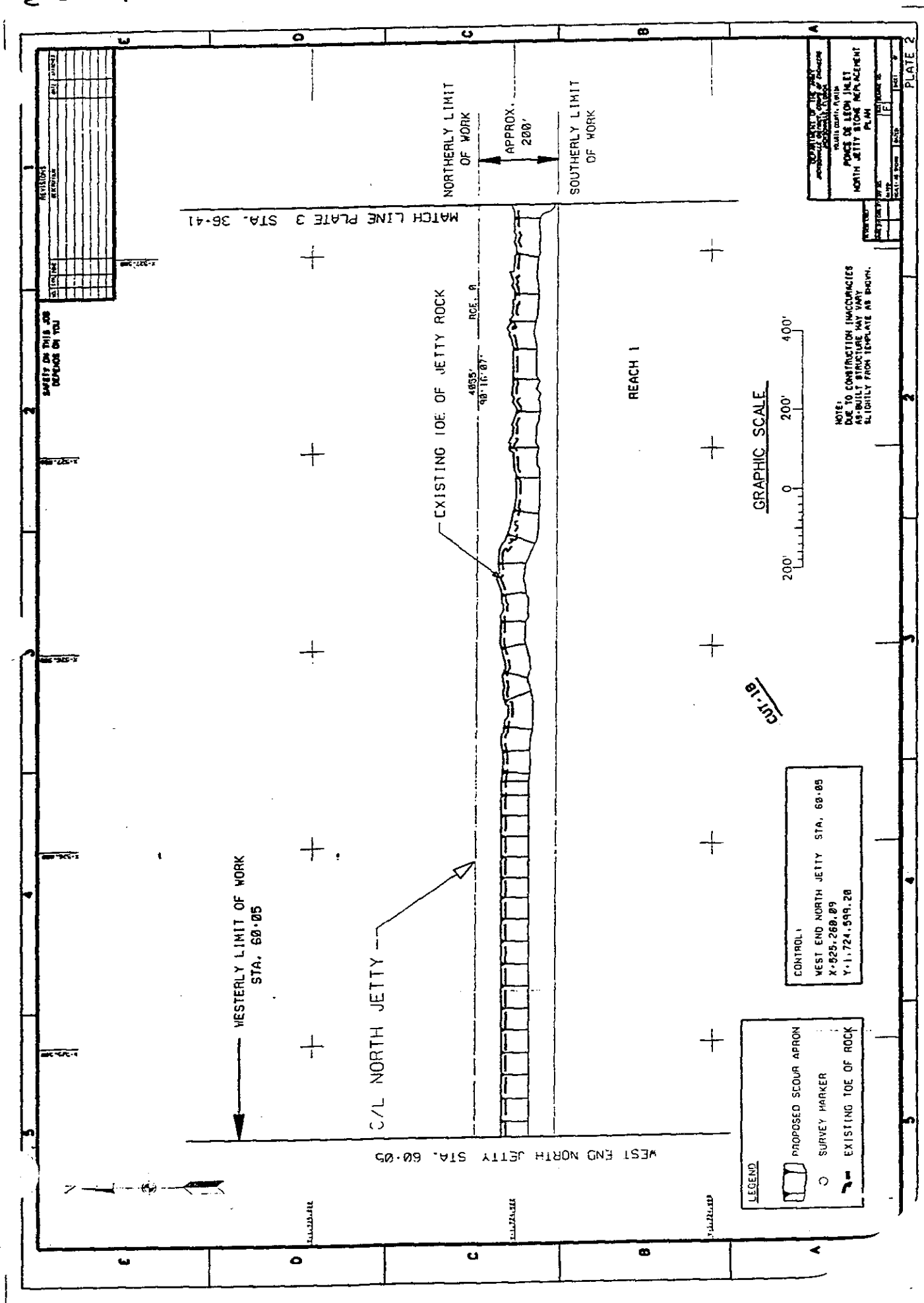
Bradley Hartman, Florida Game and Fresh Water Fish Commission

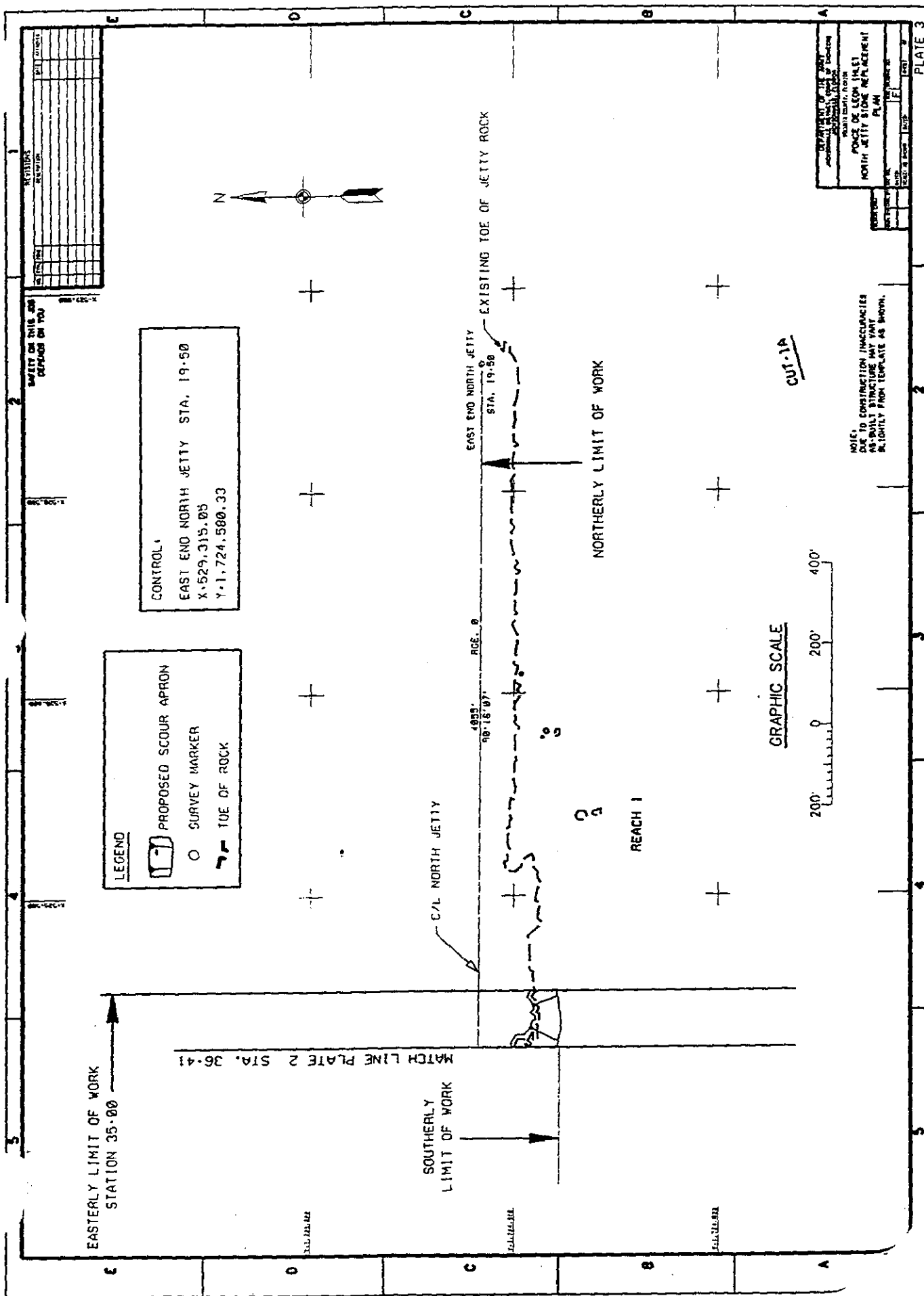
DER, Division of State Lands

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52,
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

 5/23/97
Clerk Date





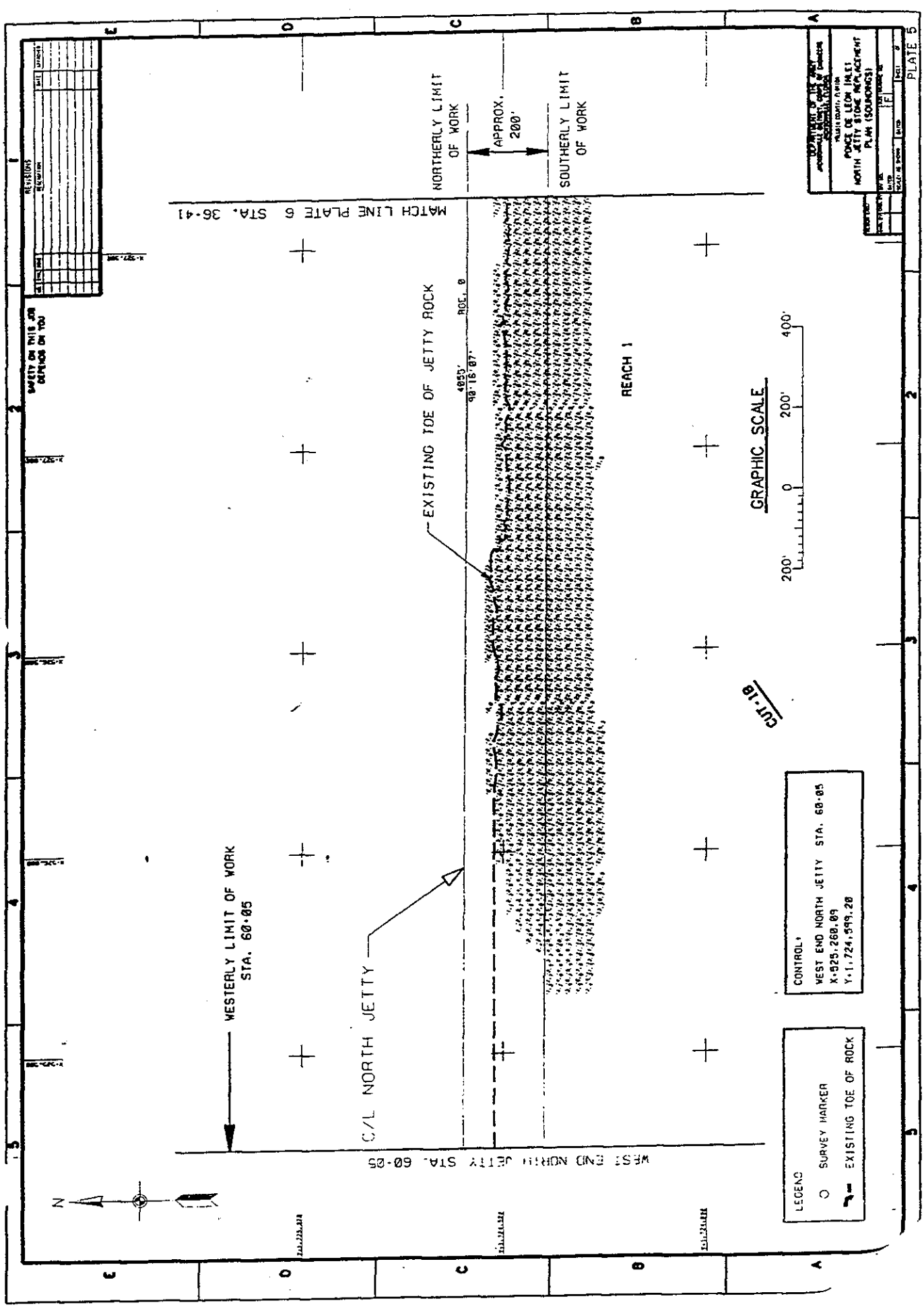
NOTE:
DUE TO CONSTRUCTION INACCURACIES
AS-BUILT STRUCTURE MAY VARY
SLIGHTLY FROM TEMPLATE AS SHOWN.

CUT-1A

GRAPHIC SCALE

PLATE 3

ENCLOSURE 4



CONTROL:
WEST END NORTH JETTY STA. 60+85
X=525,268.89
Y=1,724,599.20

LEGEND
○ SURVEY MARKER
— EXISTING TOE OF ROCK

CT-18

GRAPHIC SCALE



REACH 1

EXISTING TOE OF JETTY ROCK

C/L NORTH JETTY

WESTERLY LIMIT OF WORK
STA. 60+85

MATCH LINE PLATE 6 STA. 36+41

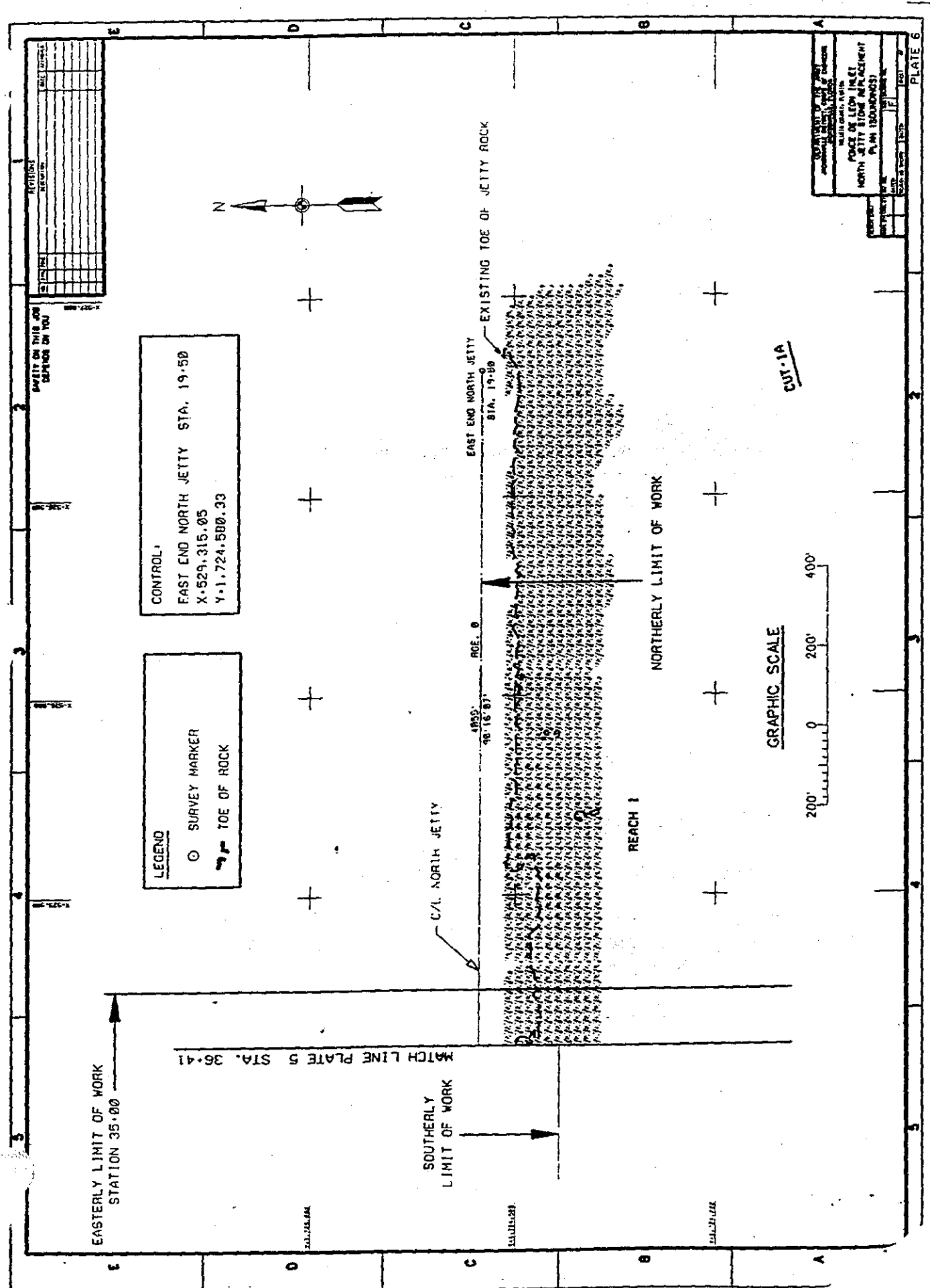
NORTHERLY LIMIT
OF WORK

APPROX.
200'

SOUTHERLY LIMIT
OF WORK

ENCLOSURE 4
PLATE 5
NORTH JETTY SIDE REPLACEMENT
PLAN (SOUNDINGS)

Encls. 5



COMMITTEE ON THE JETTY
POUCE DE LEON INLET
NORTH JETTY STONE REPLACEMENT
PLAN (1500000000)

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventh Coast Guard District

909 S.E. 1st Avenue
Miami, FL 33130-3050
Staff Symbol: (oan)
Phone: (305) 536-5621
FAX: (305) 530-7655

16500
JBE 05-97

DEC - 1 1997

Mr. Dennis R. Duke
Acting Chief, Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Duke:

Thank you for your letter of August 14, 1997 regarding the proposed extension of the Ponce DeLeon Inlet south channel. After review of the documentation enclosed in your letter, it does not appear that any change in the aid to navigation system will be necessary.

If you have any questions regarding this matter, please do not hesitate to call me at (305) 536-5621. -

A handwritten signature in dark ink, appearing to read "J. B. Embres".

J. B. EMBRES

Chief, Planning and Marine Information Section
Aids to Navigation and
Waterways Management Branch
Seventh Coast Guard District
By direction of the District Commander



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South
Suite 310
Jacksonville, Florida 32216-0912

IN REPLY REFER TO:

SEP 26 1996

Mr. A.J. Salem
Chief, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

ATTN: Rae Boothby

Dear Mr. Salem:

The U.S. Fish and Wildlife Service (Service), in accordance with an FY 1996 funding agreement with the U.S. Army Corps (Corps) of Engineers' Jacksonville District, is submitting the attached final Fish and Wildlife Coordination Act Report (CAR) for inclusion in the Feasibility Study of proposed navigation improvements to Ponce de Leon Inlet, Volusia County, Florida. The Service provided a Planning Aid Letter to the Corps on December 11, 1992, with reference to this project. This information is needed to enable the Corps to evaluate the proposed project alternatives to insure that they conform to current environmental needs and criteria. The report includes an analysis of expected wetland impacts and recommendations to lessen these impacts. There are also sections on endangered species and coastal barrier resources. The Service has determined that the alternatives proposed for improving navigation at Ponce Inlet are not likely to adversely impact the continued existence of any federally listed species within the action area. We also determined that the proposed alternatives are exempt from federal funding restrictions designated under the Coastal Barrier Resources Act of 1982, as amended.

The attached document constitutes the final report of the Secretary of the Interior as required by Section 2(b) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and completes the consultation requirements pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) and Section 6 of the Coastal Barrier Resources Act of 1982, as amended (16 U.S.C. 3501 et seq.). This report represents the views of the Department of the Interior.

Sincerely yours,

Michael M. Bentzien

Michael M. Bentzien
Assistant Field Supervisor

Attachment:

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



MEMBER OF THE FLORIDA CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough
Preservation
Ringling Museum

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 11, 1996

Mr. A. J. Salem, Chief
Planning Division, Environmental Resources Branch
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

In Reply Refer To:
Robin D. Jackson
Historic Sites Specialist
(904) 487-2333
Project File No. 962505

RE: Cultural Resource Assessment Request
Proposed Construction of Improvements to Ponce de Leon Inlet
Extension of South Jetty/Reopening Weir in North Jetty/Construct Channel through Sand Spit West of North Jetty with Revetment along North Shore/Groin Field to Protect North Spit from Erosion/Construction of Revetment along North Shore of Breakthrough Area
Volusia County, Florida

Dear Mr. Salem:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

The mentioned U.S. Army Corps of Engineers Planning Division project has been reviewed by this agency. We note that several cultural resource surveys (terrestrial and underwater) have been conducted in the project areas. We concur with the conclusions in your letter that none of the proposed alternatives will effect significant historic properties. It is the opinion of this agency that because of the project locations and/or nature the proposed projects will have no effect on any sites listed, or eligible for listing, in the *National Register*

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (904) 488-1450
FAX: (904) 488-3353 • WWW Address <http://www.dos.state.fl.us>

☐ ARCHAEOLOGICAL RESEARCH
(904) 487-2299 • FAX: 414-2207

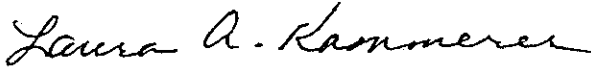
☐ HISTORIC PRESERVATION
(904) 487-2333 • FAX: 922-0496

☐ HISTORICAL MUSEUMS
(904) 488-1484 • FAX: 921-2503

Mr. Salem
September 11, 1996
Page 2

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

for 
George W. Percy, Director
Division of Historical Resources
and

GWP/Jtj



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, FL 33702

SEP 10 1996

F/SEO13:JEB

Mr. A. J. Salem
Chief, Planning Division
Jacksonville District
U. S. Army Corps of Engineers
P. O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Salem:

This responds to your request for consultation on the Ponce De Leon Navigation Improvement Study located south of Daytona Beach, Volusia County, Florida. The project may involve various improvements of Ponce De Leon Inlet including lengthening the south jetty approximately 1000 feet, rebuilding damaged portions of the north jetty, reopening the weir in the north jetty, construction of a scour apron on the south side of the north jetty, construction of a groin field along the sand spit inside the inlet adjacent to the north jetty, construction of a storm revetment to seal a potential breach along the sand spit, or constructing of a channel at the site of the potential breakthrough. All construction activities associated with the jetties would be conducted from a barge or the jetties. A Biological Assessment (BA) was submitted pursuant to Section 7 of the Endangered Species Act of 1973 (ESA).

We have reviewed the BA and concur with your determination that populations of endangered or threatened species under our purview would not be adversely affected by the proposed project. This concurrence is based, in part, upon the protective measures called for in the BA. Any dredging involved in this project is subject to the August 25, 1995, biological opinion on dredging in the Southeastern United States.

This concludes consultation responsibilities under Section 7 of the ESA. However, consultation should be reinitiated if new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the identified activity is subsequently modified, or critical habitat is determined that may be affected by the proposed activity.



Printed on Recycled Paper



If you have any questions please contact Jeffrey Brown, Fishery Biologist, at (813) 570-5312.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Kemmerer" followed by a stylized flourish.

Andrew J. Kemmerer
Regional Administrator

cc: F/PR8
F/SEO2

June 24, 1996

Planning Division

Mr. David Hankla
Field Supervisor
U.S. Fish and Wildlife Service
Suite 310
6620 Southpoint Drive South
Jacksonville, Florida 32217

Dear Mr. Hankla:

Enclosed is a biological assessment prepared by the U.S. Army Corps of Engineers (Corps), Jacksonville District, under Section 7 of the Endangered Species Act, as amended, for the Ponce de Leon Inlet Navigation Study.

The U.S. Fish and Wildlife Service (FWS) and Corps have identified the salt marsh snake, loggerhead sea turtle, bald eagle, piping plover, wood stork and manatee as possibly occurring in the project area. There is no designated critical habitat in the project area.

Based on the enclosed biological information, the Corps has determined that the proposed activity will not adversely affect listed species or critical habitat.

This completes coordination under the Act, unless new information should indicate that the proposed action may affect listed species or their habitat, or that the proposed action is substantially modified, or a new species is proposed for listing, which may be affected by the proposed action, or you request consultation. Your written response to this notification is requested.

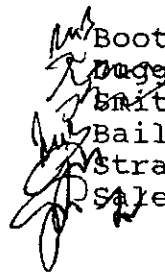
Point of contact is Rea Boothby at phone number 904-232-3453.

Sincerely,

A. J. Salem
Chief, Planning Division

Enclosures

w/boothby/pdls7fws.doc

Boothby/CESAJ-PD-ER/3453/mw
Boothby/CESAJ-PD-ER
Boothby/CESAJ-PD-E
Bailey/CESAJ-PD-PN
Strain/CESAJ-PD-PC
Salem/CESAJ-PD

BIOLOGICAL ASSESSMENT
PONCE DE LEON INLET NAVIGATION STUDY
VOLUSIA COUNTY, FLORIDA

1. Location. Ponce de Leon Inlet is located south of Daytona Beach, in Volusia County, Florida (attachment 1).

2. Identification of Listed Species and Critical Habitat in the Vicinity of the Proposed Action. The U.S. Fish and Wildlife Service (FWS) and the U.S. Corps of Engineers (Corps) have identified the salt marsh snake, loggerhead sea turtle, bald eagle, piping plover, wood stork and manatee as possibly occurring in the project area. There is no designated critical habitat in the area.

3. Description of the proposed activity. Alternatives being considered include lengthening the south jetty approximately 1000 feet, using rock from the far landward end of the south jetty, rebuilding damaged portions of the north jetty, reopening the weir in the north jetty, construction of a scour apron on the south side of the north jetty, construction of a groin field along the sand spit inside the inlet adjacent to the north jetty and construction of a storm revetment to seal a potential breach along the shoreline of the sand spit inside the inlet or constructing a channel in the area of the potential breakthrough (Figures 1,2 and 3). All construction activities associated with the jetties will be done either from a barge or the jetties.

4. Assessment of Potential Impacts of the Proposed Action on Listed Species or Critical Habitat. Based on the precautions proposed in paragraph 5 below, the Corps has determined that the proposed action will not adversely affect listed species or critical habitat.

5. Efforts to Eliminate Potential Impacts to Listed Species or Critical Habitat.

a. Conditions Involving the Protection of Manatees and Sea Turtles. The following precautions will be taken during construction activities to ensure the safety of manatees and sea turtles in the area.

The Contractor will instruct all personnel associated with the construction of the project about the possible presence of manatees and/or sea turtles in the area and the need to avoid collisions with them. If either are sighted within 100 yards of construction activities, all appropriate precautions will be implemented by the contractor to ensure protection of the animals. These actions shall include cessation of construction activities if necessary. All vessels associated with the project shall operate at "no wake" speeds at all times while in shallow waters or channels where the draft of the boat provides less than

3 feet clearance of the bottom. Boats used to transport personnel shall be shallow-draft vessels, preferably of the light-displacement category where navigational safety permits, and should follow deep water routes where possible. All personnel shall be advised that there are civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act and the Marine Mammal Protection Act, and sea turtles, which are protected under the Endangered Species Act. The Contractor shall be held responsible for any manatee or sea turtle harmed, harassed, injured or killed as a result of construction activities.

b. Manatee Signs. The Contractor shall install and maintain a minimum of one manatee awareness sign at a prominent location within the construction area. Photo(s) of the sign(s) in place shall be sent to the Florida Department of Natural Resources (DNR) Marine Mammal Recovery Program, 100 Eighth Avenue, SE, St. Petersburg, Florida 33701-5095 prior to construction or use of the facility. Temporary signs may be removed when construction is completed.

c. Manatee Sightings. The Contractor shall keep a log detailing all sightings, collisions, or manatee deaths during the construction period. The data shall be recorded on forms provided by the Contracting Officer. All data in original form shall be forwarded to Dr. Hanley K. Smith, Chief, Environmental Branch, P.O. Box 4970, Jacksonville, Florida 32232-0019, within 10 days of collection, and copies of the data shall be supplied to the Contracting Officer's representative. Any collision with a manatee or sighting of an injured or incapacitated manatee shall be reported immediately to the Corps

d. Other Listed Species. The project area is within the range of the salt marsh snake, bald eagle, piping plover and wood stork. However, none of those species are known to inhabit the immediate project area at this time. Therefore, the proposed action is not expected to adversely affect those species.

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d. Other Listed Species. The project area is within the range of the salt marsh snake, bald eagle, piping plover and wood stork. However, none of those species are known to inhabit the immediate project area at this time. Therefore, the proposed action is not expected to adversely affect those species.

June 24, 1996

Planning Division
Environmental Branch

Mr. Charles A. Oravetz
Chief, Protected Species Management Branch
National Marine Fisheries Service
9721 Executive Center Drive North
St. Petersburg, Florida 33702

Dear Mr. Oravetz:

Enclosed is a biological assessment prepared by the U.S. Army Corps of Engineers (Corps), Jacksonville District, under Section 7 of the Endangered Species Act, as amended, for the Ponce De Leon Navigation Improvement Study.

The National Marine Fisheries Service (NMFS), and the Corps have identified the finback, humpback, right, sei and sperm whales, shortnose sturgeon, and green hawksbill, Kemp's Ridley, leatherback, and loggerhead sea turtles as possibly occurring within the project area. A marine seagrass, Johnson's seagrass, proposed for listing as threatened, has also been identified by NMFS as possibly occurring in the area. There is no designated critical habitat in the project area.

Based on the enclosed biological assessment, the Corps has determined that the proposed activity will not adversely affect listed species or critical habitat.

This completes coordination under the Act, unless new information should indicate that the proposed action may affect listed species or their habitat, or that the proposed action is substantially modified, or a new species is proposed for listing which may be affected by the proposed action, or you request consultation. Your written response to this notification is requested.

Point of contact is Rea Boothby at phone number 904-232-3453.

Sincerely,

A. J. SALEM
Chief, Planning Division

Enclosure

RB Boothby/CESAJ-PD-ER/3453/mw
2/ Dugger/CESAJ-PD-ER
3/ Smith/CESAJ-PD-E
4/ Bailey/CESAJ-PD-PN
5/ Strain/CESAJ-PD-PC
6/ Salem/CESAJ-PD

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BIOLOGICAL ASSESSMENT
PONCE DE LEON INLET NAVIGATION STUDY
VOLUSIA COUNTY, FLORIDA

1. Location. Ponce De Leon Inlet is located south of Daytona Beach, in Volusia County, Florida (Figure 1).

2. Identification of Listed Species and Critical Habitat in the Vicinity of the Proposed Action.

The National Marine Fisheries Service (NMFS) and the Corps of Engineers (Corps) have identified the finback, humpback, sei, right and sperm whales, the shortnose sturgeon, and green hawksbill, Kemp's Ridley, leatherback and loggerhead sea turtles as possibly occurring in the project area. A marine seagrass, Johnson's seagrass, proposed for listing as threatened, has also been identified by NMFS as possibly occurring in the project area. There is no designated critical habitat in the project area.

3. Description of the Proposed Activity. Alternatives under consideration include lengthening the south jetty approximately 1000 feet, using rock from the landward end of the south jetty, rebuilding damaged portions of the north jetty, re-opening the weir in the north jetty, construction of a scour apron on the south side of the north jetty, construction of a groin field along the sand spit inside the inlet adjacent to the north jetty and construction of a storm revetment to seal a potential breach along the shoreline of the sand spit inside the inlet or constructing a channel at the site of the potential breakthrough (Figures 1, 2 and 3). All construction activities associated with the jetties will be done either from a barge or from the jetty.

4. Assessment of Potential Impacts of the Proposed Action on Listed Species or Critical Habitat.

a. Whales. All of the proposed construction activities will be done within approximately one-quarter mile of the shoreline or inside the inlet. Because of the proximity of the inlet and shallow depths, the proposed action should have no adverse impacts on any listed species of whale.

b. Shortnose sturgeon. The shortnose sturgeon has not been recorded from the vicinity of Ponce De Leon Inlet and should, therefore, be unaffected by construction activities.

c. Sea turtles. The Contractor will instruct all personnel associated with construction of the project about the possible presence of sea turtles in the area and the need to avoid collisions with them. During construction hours, observer(s) approved by the NMFS shall be aboard the construction vessel to monitor for the presence of sea turtles. If sea turtles are

spotted within 100 yards of construction activities, all appropriate precautions will be implemented by the Contractor to ensure protection of the animals, including cessation of operations if deemed necessary. All vessels associated with the project shall operate at "no-wake" speeds at all time while in shallow water or channels where the draft of the boat provides less than 3 feet clearance of the bottom. Boats used to transport personnel shall be shallow-draft vessels, preferably of the light-displacement category where navigational safety permits, and follow deep water routes where possible. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, injuring or killing sea turtles, which are protected under the Endangered Species Act. The Contractor shall be held responsible for any sea turtle harmed, harassed, injured or killed as a result of construction activities.

d. Johnson's seagrass. Because of the nature of the project area, i.e., strong tidal action, currents, and wave action in an inlet, no sea grasses of any kind grow in the area of proposed construction.

5. Efforts to Eliminate Potential Impacts to Listed Species or Critical Habitats. The steps listed in 4 above, will be taken to eliminate potential impacts to listed species.

June 24, 1996

Planning Division

Mr. David Hankla
Field Supervisor
U.S. Fish and Wildlife Service
Suite 310
6620 Southpoint Drive South
Jacksonville, Florida 32217

Dear Mr. Hankla:

Enclosed is a biological assessment prepared by the U.S. Army Corps of Engineers (Corps), Jacksonville District, under Section 7 of the Endangered Species Act, as amended, for the Ponce de Leon Inlet Navigation Study.

The U.S. Fish and Wildlife Service (FWS) and Corps have identified the salt marsh snake, loggerhead sea turtle, bald eagle, piping plover, wood stork and manatee as possibly occurring in the project area. There is no designated critical habitat in the project area.

Based on the enclosed biological information, the Corps has determined that the proposed activity will not adversely affect listed species or critical habitat.

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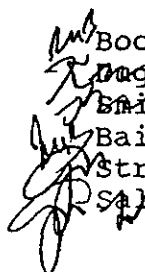
Point of contact is Rea Boothby at phone number 904-232-3453.

Sincerely,

A. J. Salem
Chief, Planning Division

Enclosures

w/boothby/pdls7fws.doc


Boothby/CESAJ-PD-ER/3453/mw
Ranger/CESAJ-PD-ER
Smith/CESAJ-PD-E
Bailey/CESAJ-PD-PN
Strain/CESAJ-PD-PC
Salem/CESAJ-PD

May 31, 1996

Planning Division
Environmental Branch

Mr. Michael Bentzein
Acting Supervisor
U.S. Fish and Wildlife Service
Suite 310
6620 Southpoint Drive South
Jacksonville, Florida 32217

Dear Mr. Bentzein:

Pursuant to the Endangered Species Act, as amended, the Jacksonville District, U. S. Army Corps of Engineers, is requesting a list of Threatened or Endangered species and critical habitat for species under the jurisdiction of the Fish and Wildlife Service for Ponce DeLeon Inlet, Volusia County, Florida (see enclosed map).

The point of contact for this project is Mr. Rea N. Boothby at 904 232-3453.

Sincerely,

A. J. Salem
Chief, Planning Division

Enclosure

pub
XAV Boothby/CESAJ-PD-ER/3453/mw *m*
Dugger/CESAJ-PD-ER
Smith/CESAJ-PD-E
Strain/CESAJ-PD-P
Salem/CESAJ-PD
DS

w/boothby/pdifws7a

BIOLOGICAL ASSESSMENT
PONCE DE LEON INLET NAVIGATION STUDY
VOLUSIA COUNTY, FLORIDA

1. Location. Ponce de Leon Inlet is located south of Daytona Beach, in Volusia County, Florida (attachment 1).

2. Identification of Listed Species and Critical Habitat in the Vicinity of the Proposed Action. The U.S. Fish and Wildlife Service (FWS) and the U.S. Corps of Engineers (Corps) have identified the salt marsh snake, loggerhead sea turtle, bald eagle, piping plover, wood stork and manatee as possibly occurring in the project area. There is no designated critical habitat in the area.

3. Description of the proposed activity. Alternatives being considered include lengthening the south jetty approximately 1000 feet, using rock from the far landward end of the south jetty, rebuilding damaged portions of the north jetty, reopening the weir in the north jetty, construction of a scour apron on the south side of the north jetty, construction of a groin field along the sand spit inside the inlet adjacent to the north jetty and construction of a storm revetment to seal a potential breach along the shoreline of the sand spit inside the inlet or constructing a channel in the area of the potential breakthrough (Figures 1,2 and 3). All construction activities associated with the jetties will be done either from a barge or the jetties.

4. Assessment of Potential Impacts of the Proposed Action on Listed Species or Critical Habitat. Based on the precautions proposed in paragraph 5 below, the Corps has determined that the proposed action will not adversely affect listed species or critical habitat.

5. Efforts to Eliminate Potential Impacts to Listed Species or Critical Habitat.

a. Conditions Involving the Protection of Manatees and Sea Turtles. The following precautions will be taken during construction activities to ensure the safety of manatees and sea turtles in the area.

The Contractor will instruct all personnel associated with the construction of the project about the possible presence of manatees and/or sea turtles in the area and the need to avoid collisions with them. If either are sighted within 100 yards of construction activities, all appropriate precautions will be implemented by the contractor to ensure protection of the animals. These actions shall include cessation of construction activities if necessary. All vessels associated with the project shall operate at "no wake" speeds at all times while in shallow waters or channels where the draft of the boat provides less than

June 25, 1996

Planning Division
Environmental Branch

Mr. George W. Percy
State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Mr. Percy:

The U.S. Army Corps of Engineers (Corps), Jacksonville District, is studying the environmental effects of constructing improvements to Ponce de Leon Inlet, Volusia County, Florida. A map of the study area is enclosed.

Alternatives under consideration include: extension of the south jetty; reopening the weir within the north jetty; construction of a channel through the sand spit west of the north jetty with a revetment along the north shoreline; a groin field to protect the north spit from erosion; allowing the channel to realign through the north sand spit with construction of a revetment along the north shore of the breakthrough area.

Ponce de Leon Inlet is a dynamic area that has changed significantly over the past 200 years. In 1944, a channel was located through an area that is now a sand spit west of the north jetty. Depths in the 1944 north channel ranged from 10 to 19 feet. Therefore, the Corps believes that it is unlikely that significant historic properties would be affected by channel construction through the sand spit or by construction of a groin field along the existing shoreline southwest of the north jetty.

A 1993 terrestrial archeological survey was completed by Bruce Piatek and Associates. Their study area included the north jetty area park and the proposed revetment footprint. The foundation of the Hotel Inlet Terrace, site number VO 5263, was the only historic property identified in the study area vicinity. In a July 7, 1994, letter to Mr. Piatek, your office concurred with the archeologist's recommendation that the site is not significant.

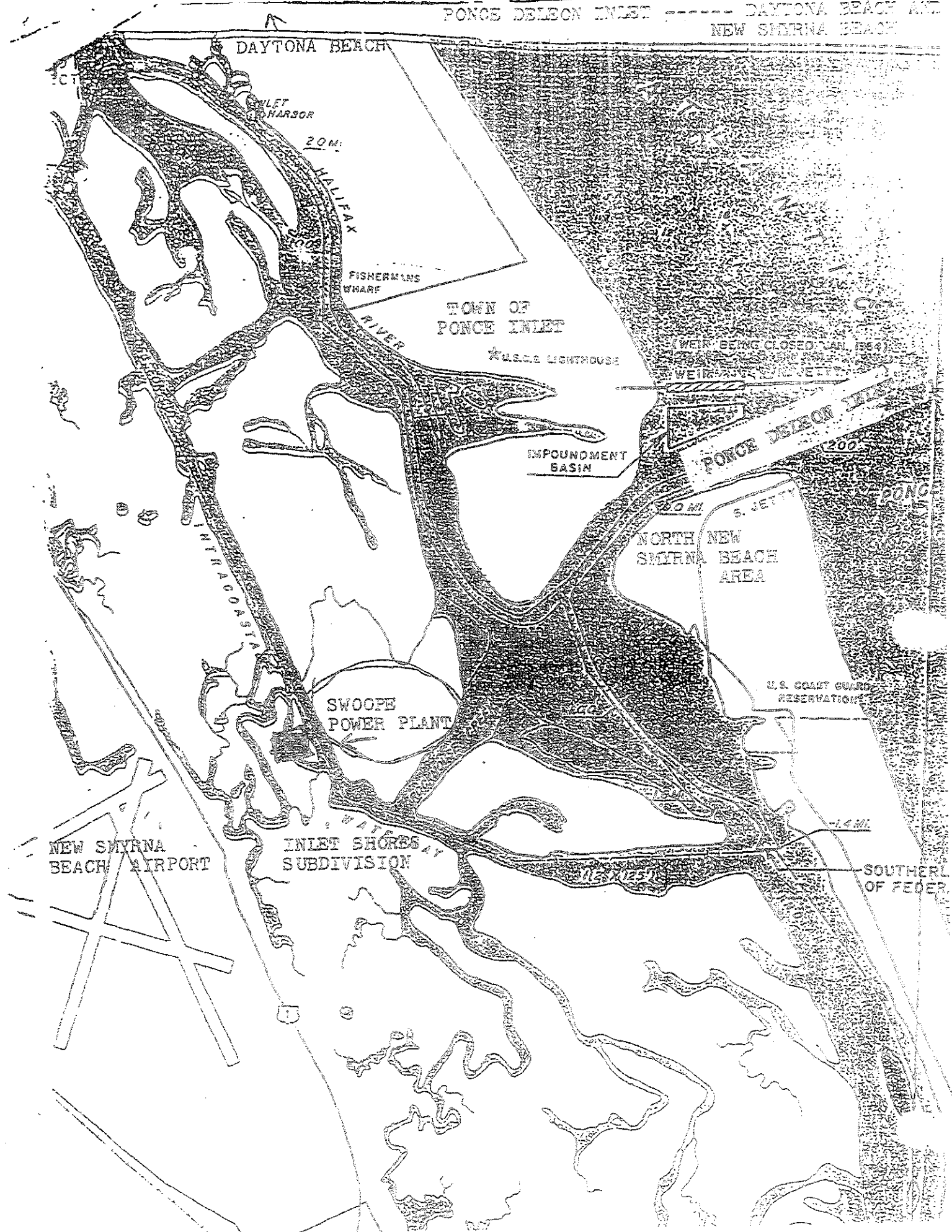
A magnetometer survey and diver investigation of potentially significant targets were completed for the south jetty extension. In a September 20, 1995, letter, your office concurred with the Corps' no effect determination for the south jetty extension.

It is the Corps' determination that none of the proposed alternatives will affect significant historic properties. We request your written concurrence with our no effect determination. According the requirements established in Section 106 of the National Historic Preservation Act and 36 CFR Part 800 *Protection of Historic Properties*, a written response is requested within 30 calendar days.

Sincerely,

A. J. Salem
Chief, Planning Division

Enclosure



APR 30 1996

Planning Division
Environmental Branch

Mr. Charles A. Oravetz
Chief
Protected Species Management Branch
National Marine Fisheries Service
9721 Executive Center Drive North
St. Petersburg, Florida 33702

Dear Mr. Oravetz:

Pursuant to the Endangered Species Act, as amended, the U.S. Army Corps of Engineers, Jacksonville District, is requesting a list of endangered or threatened species and critical habitat for species under the jurisdiction of the National Marine Fisheries Service in the vicinity of Ponce deLeon Inlet, Volusia County, Florida. (see enclosed map).

The point of contact for this project is Mr. Rea N. Boothby at 904-232-3453.

Sincerely

A. J. Salem
Chief, Planning Division

Enclosure

bcc:
CESAJ-DP
CESAJ-PD-PN

hbj
Boothby/CESAJ-PD-ER/3453/ljd
Dugger/CESAJ-PD-ER
Strain/CESAJ-PD-E 4/29
Strain/CESAJ-PD-P
Salem/CESAJ-PD
[Signature]



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Protected Species Management Branch
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702

May 2, 1996

F/SEO13:JBM

Mr. Rea N. Boothby
Environmental Branch, Planning Division
Jacksonville District Corps of Engineers
Department of the Army
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Boothby:

This responds to a letter from Mr. Salem dated April 23 and three letters dated April 30, 1996, requesting species and critical habitat lists under the jurisdiction of the National Marine Fisheries Service that may be present in the following project areas:

- Jacksonville Harbor, St. Johns River, Florida
- Hillsboro Inlet, Broward County, Florida
- Ponce deLeon Inlet, Volusia County, Florida
- St. Lucie Inlet, Martin County, Florida

Enclosed are lists for the Gulf and Atlantic Coasts of Florida, which identify those endangered or threatened species of marine mammals, sea turtles, and fish likely to be present in the project area.

If you have questions, please contact Colleen Coogan at 813-570-5312.

Sincerely,

Charles A. Oravetz
Branch Chief

Enclosures

cc: A. J. Salem, Chief, Planning Division



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FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham

Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250

Director's Office
(904) 488-1480

Telecopier Number (FAX)
(904) 488-3353

September 20, 1995

Mr. A. J. Salem, Chief
Planning Division, Environmental Resources Brance
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

In Reply Refer To:
Frank J. Keel
Historic Sites Specialist
(904) 487-2333
Project File No. 952959

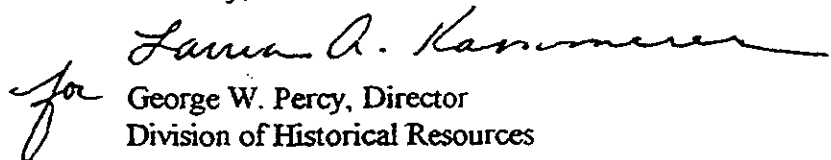
RE: Cultural Resource Assessment Review Request
*Diver Investigations of Seven Potentially Significant Magnetic Anomalies in the
Vicinity of Ponce de Leon Inlet, Volusia County, Florida.* By Mid-Atlantic
Technology, July 30, 1995

Dear Mr. Salem:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the results of the referenced investigations conducted by Mid-Atlantic Technology and find them to be complete and sufficient. The investigations concluded the previously identified magnetic anomalies as modern debris. Therefore, it is the opinion of this agency that the proposed undertaking will have no effect on any sites listed, or eligible for listing, in the *National Register of Historic Places*.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,


George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Kfk



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES
Governor

LINDA LOOMIS SHELLEY
Secretary

April 7, 1995

Mr. A.J. Salem
Army Corps of Engineers
Jacksonville District
Post Office Box 4970
Jacksonville, FL 32232-0019

RE: Navigation Projects - Scoping Letter for Feasibility
Report - Ponce de Leon Inlet Improvements - Volusia
County, Florida
SAI: FL9210051642CR

Dear Mr. Salem:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Governor's Executive Order 93-194, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) indicates that Alternative A may result in adverse impacts to marine turtle nesting habitat. Therefore, the Corps of Engineers (Corps) is advised to evaluate the potential shoreline response for Alternative A and to coordinate project planning with the DEP's Office of Protected Species. Please refer to the enclosed DEP comments.

The Department of State (DOS) indicates that the Corps is required to provide the results of the magnetometer survey to the DOS for review. The Corps is also required to consult with the DOS regarding avoidance or mitigation of any impacts to any historic site located in the project area. Please refer to the enclosed DOS comments.

Based on the available information and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project

Mr. A.J. Salem

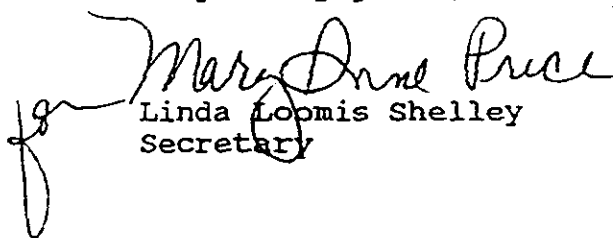
April 7, 1995

Page Two

must be reviewed to determine the project's continued consistency with the FCMP. All future documents prepared for this project must be submitted to the Florida State Clearinghouse for interagency review. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews.

In addition, the Department of Community Affairs (Department) notes that the area proposed for improvement is located within the federal Coastal Barrier Resources System Unit P08 which was designated under the Coastal Barrier Resources Act (CBRA). The Corps is advised to consult with Mr. James Pulliam, Jr., U.S. Department of Interior, Fish and Wildlife Service, Region 4, regarding the applicability of the CBRA requirements to this project. Please refer to the Department's enclosed comments.

Very truly yours,


for Linda Loomis Shelley
Secretary

LLS/rk

Enclosures

cc: Carliane Johnson, Department of Environmental Protection
George Percy, Department of State



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Baker
Secretary

March 20, 1995

RECEIVED

MAR 22 1995

Suzanne Traub-Metlay
State Clearinghouse
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

Florida Coastal
Management Program

RE: COE/Navigation Study for Ponce de Leon Inlet, Volusia County
SAI: FL9210051642CR

Dear Ms. Traub-Metlay:

The Department has reviewed the referenced notice to conduct additional studies associated with the Ponce de Leon Inlet Feasibility Study, funded in part by the Department. Specifically, two additional alternatives will be investigated; A) the reopening of the weir on the north jetty, and B) the construction of a channel through the north interior spit.

The Office of Protected Species Management (OPSM) states that there would be very substantive concerns with Alternative A because such a weir may adversely impact marine turtle nesting habitat on the beach north of the inlet and from potential impacts associated with the additional maintenance dredging when the sand trap inside the inlet filled. The continued study of Alternative A should carefully consider the increased dredging requirements and perform computer assisted modeling of the shoreline in response to such an option. The OPSM has identified no marine turtle issues in association with the additional inlet stabilization as proposed with Alternative B.

Based on the information provided for this review, the study of the alternatives is consistent with our authorities in the Florida Coastal Management Program and with the recommendations of the Department's Ponce de Leon Inlet Management Plan.

For information regarding the Ponce de Leon Management Plan, the Corps should contact Phil Flood, Bureau of Beaches and Coastal Systems, at 904/487-1262. Questions concerning marine turtles may be directed to David Arnold, OPSM, at 904/922-4330.

Sincerely

Carliane D. Johnson
Environmental Specialist
Office of Intergovernmental Programs

/cdj

cc: Phil Flood
Ed Irby

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.



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MAR 27 1995

Florida Coastal
Management Program

FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Director's Office
(904) 488-1480

Telecopier Number (FAX)
(904) 488-3353

March 24, 1995

Ms. Suzanne Traub-Metlay
State Clearinghouse
Executive Office of the Governor
Room 1603, The Capitol
Tallahassee, Florida 32399-0001

In Reply Refer To:
Frank J. Keel
Historic Sites
Specialist
(904) 487-2333
Project File No. 950675

RE: Cultural Resource Assessment Request
SAI# FL9210051642CR
Improvements to the Ponce de Leon Inlet
Volusia County, Florida

Dear Ms. Traub-Metlay:

In accordance with the provisions of Florida's Coastal Zone Management Act and Chapter 267, Florida Statutes, as well as the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project(s) for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical or architectural value.

We understand that the Corps of Engineers have recently completed a magnetometer survey for this project. When a report has been completed, the Corps of Engineers will coordinate with this office concerning potential effects to historic properties.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura A. Kammerer
for George W. Percy, Director
Division of Historical Resources
and

State Historic Preservation Officer

GWP/Kfk

xc: Jasmin Raffington, FCMP-DCA
Archaeological Research Florida Folklife Programs
(904) 487-2299 (904) 397-2192

Historic Preservation
(904) 487-2333

Museum of Florida History
(904) 488-1484

COUNTY: VOLUSIA

DATE: 02/27/95

COMMENT DUE DATE: 03/14/95

SAT#: FL9210051642

STATE AGENCIES

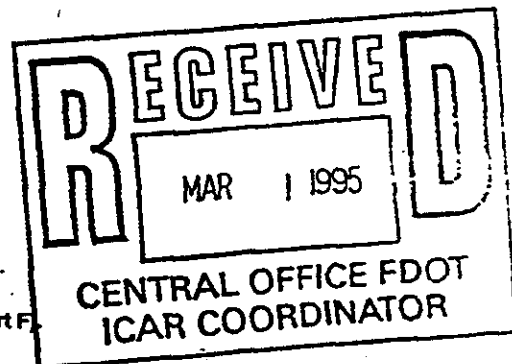
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OPB POLICY UNITS

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The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- ☐ Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- ☒ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- ☐ Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- ☐ Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

RECEIVED

MAR 9 1995

Florida Coastal Management Program

FOR CONSISTENCY PROJECTS, SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse
Executive Office of the Governor -OPB
Room 1603, The Capitol
Tallahassee, FL 32399-0001
(904) 488-8114 (SC 278-8114)

EO. 12372/NEPA

Federal Consistency

Florida Coastal Management Director
Department of Community Affairs
Suite 305, Rhyne Building
Tallahassee, FL 32399-2100
(904) 922-5438 (SC 292-5438)

- ☒ No Comment
- ☐ Comments Attached
- ☐ Not Applicable

- ☒ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From:

Division/Bureau: TRANSPORTATION

Reviewer: James D. Kimbler JAMES D. KIMBLER, DISTRICT DIRECTOR OF PLANNING AND PUBLIC TRANSPORTATION

Date: 3/6/95

COUNTY: VOLUSIA

DATE: 02/27/95

COMMENT DUE DATE: 03/14/95

SAI#: FL9210051642CR

OPB POLICY UNITS

STATE AGENCIES

LOCAL/OTHER

☒ Agriculture
☐ Board of Regents
☒ Commerce
☒ Community Affairs
☐ Education
☒ Environmental Protection
☒ Game & Fish Comm
☐ Health & Rehab Srv
☐ Highway Safety
☐ Labor & Employment
☐ Law Enforcement
☒ Marine Fish Comm
☐ State Library
☒ State
☒ Transportation
☐ Trans Disad. Comm
☐ DEP District

☐ NFWFMD
☐ SFWMD
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☐ Public Safety
☐ Education
☐ Environment/C & ED
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☐ Health & Human Srv
☐ Revenue & Eco. Ana
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☒ SCH/CON

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FEB 28 1995

MARINE FISHERIES
COMMISSION

attached document requires a Coastal Zone Management Act/Florida
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- ☐ Federal Assistance to State or Local Government (15 CFR 930, Subpart F).
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RECEIVED
MAR 4 1995

Florida Coastal
Management Program

FOR CONSISTENCY PROJECTS, SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse
Executive Office of the Governor-OPB
Room 1603, The Capitol
Tallahassee, FL 32399-0001
(904) 488-8114 (SC 278-8114)

Florida Coastal Management Director
Department of Community Affairs
Suite 305, Rhyne Building
Tallahassee, FL 32399-2100
(904) 922-5438 (SC 292-5438)

EO. 12372/NEPA

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

- ☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau: Marine Fisheries Comm
Reviewer: Ray W. [Signature]
Date: 3-12-95

STATE AGENCIES

LOCAL/OTHER

OPB POLICY UNITS

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<input type="checkbox"/>	Health & Human Srv
<input type="checkbox"/>	Revenue & Eco. Ana
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RECEIVED

MAR 6 1995

Florida Coastal
Management Program

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized one of the following:

- ☐ Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
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FOR CONSISTENCY PROJECTS, SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse
Executive Office of the Governor - OPB
Room 1603, The Capitol
Tallahassee, FL 32399-0001
(904) 488-8114 (SC 278-8114)

EO. 12372/NEPA

Federal Consistency

Florida Coastal Management Director
Department of Community Affairs
Suite 305, Rhyne Building
Tallahassee, FL 32399-2100
(904) 922-5438 (SC 292-5438)

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

- ☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau:

Reviewer:


Date:

3/2/95

Ms. Janice L. Hatter
March 21, 1995
Page Two

Thank you for the opportunity to comment on this proposed project. If you have any questions, please contact Rosalyn Kilcollins, Florida Coastal Management Program, at (904) 922-5438.

Very truly yours,


for Linda Loomis Shelley
Secretary

LLS/rk



FLORIDA AUDUBON SOCIETY

March 17, 1995

A.J. Salem
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Fl 32232-0019

Re: Ponce de Leon Inlet Improvements

Dear Mr. Salem:

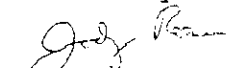
The Florida Audubon Society is pleased to review the proposed Ponce de Leon Inlet improvements, as requested by the Army Corps of Engineers. After reviewing the Reconnaissance Report dated January 1993 and the February 7, 1995 correspondence, it appears that a channel may be constructed in the potential breakthrough area. If this alternative is selected, the vegetation in the area of the channel should be relocated to another site at Lighthouse Point Park to aid in stabilization and habitat creation.

Since the sand spit area is included in the Lighthouse Point Park, public access should be provided to the spit if the channel severs the park. However, public access should not impact the wintering and breeding behavior of listed shorebirds, terns and gulls. To avoid disturbance during the breeding season, March 1 through July 31, public access should be restricted to areas that are at least 100 yards from the nesting colony. Florida Audubon Society concur with the recommendations of the Florida Game and Fresh Water Fish Commission in relation to the timing and location of construction during the shorebird nesting season.

Although the modeling has not been completed for the alternatives discussed in the Reconnaissance Report, I would like to recommend that the model analyze the long term consequences of the proposed alternatives on beach shoreline erosion. Since beach shoreline erosion negatively effects listed sea turtle populations and existing residential development, the results of the model should be reviewed closely.

Please continue to inform Florida Audubon Society on the projects associated with Ponce de Leon Inlet. Please address questions or comments concerning this letter to me at 407/260-8300.

Sincerely,


Jody Rosier
Permit Coordinator

The Voice of Conservation Since Nineteen Hundred

March 16, 1995

Planning Division
Environmental Branch

Mr. David N. Dale
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

Dear Mr. Dale:

Mr. Andreas Mager, Jr., in a letter dated March 8, 1995, requested that the U.S. Army Corps of Engineers, Jacksonville District, send you a copy of the Reconnaissance Report for Ponce De Leon Inlet, Volusia County, Florida.

A copy of the Reconnaissance Report is enclosed for your use.

Sincerely,

A. J. Salem
Chief, Planning Division


Enclosure

 Bozeman/CESAJ-PD-ER/1688

ljd

 Dugger/CESAJ-PD-ER

Smith/CESAJ-PD-E

 Salem/CESAJ-PD

PONCE-RR.NMF



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

March 8, 1995

Colonel Terry Rice
District Engineer, Jacksonville District
Department of the Army, Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Rice:

This responds to your February 7, 1995 letter requesting comments to assist the Corps of Engineers in identifying study objectives for a feasibility-level report regarding proposed improvements to Ponce Inlet in Volusia County, Florida.

A model study will evaluate two measures for stabilizing the inlet in combination with a 1000-foot extension of the south jetty. The first involves reopening the north jetty weir. The second involves constructing a channel through the southern tip of the peninsula.

The location and description of emergent and submergent vegetation and hard bottom communities within the study area and potential impacts to those resources should also be addressed in the report. The National Marine Fisheries Service requests the opportunity to review the study results when available.

Your letter indicates that a January 1993 Reconnaissance Report is available upon request. Please send one copy of the report to Mr. David N. Dalé at the letterhead address above. Mr. Dale is available to discuss any related comments or questions you may have. He may be contacted at 813/570-5317.

Sincerely,

& Andreas Mager, Jr.
Assistant Regional Director
Habitat Conservation Division



cc:

Mr. A. J. Salem
Chief, Planning Division
Department of the Army, Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

F/SEO2

F/SEO23-ST PETE

PONCE DE LEON INLET
MAILING LIST

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Office of Environmental Project
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Room 4241
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Executive Office of the Governor
The Capitol
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Florida Chapter
Sierra Club
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Environmental Assessment Branch
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Panama City, FL 32407-7499

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9450 Koger Boulevard
St. Petersburg, FL 33702-2496

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Forest Supervisor
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Critter Fleet
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Mr. Bob Stone
Critter Fleet
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Ponce Inlet, Florida 32127

Mr. Tim Garrett
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Mr. Carey St. Clair
Sea Love Marina
4884 Front St.
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Mr. Greg DeBrango
King's Seafood
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Port Orange, Florida 32119

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United States Coast Guard
Brickell Plaza Federal Building
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Mr. Daniel M. O'Brien
Port Authority Coordinator
Ponce DeLeon Port Authority
440 S. Beach Street
Daytona Beach, Florida 32114

PONCE DE LEON INLET
PROPOSED ALTERNATIVES

1. Five alternatives are currently under consideration and are described below:

a. Construct a 1,000-foot extension of the south jetty. The jetty would be constructed at a base elevation of -15 feet m.l.w. and extend to a crest elevation of +7.0 feet m.l.w.

b. Construct a scour apron along the south side of the north jetty. The apron would be 30 feet wide and 3 feet thick and would be placed along the landward 700 feet of the north jetty.

c. Rebuild the damaged portions of the north jetty with stone similar to that now in place. Portions of the north jetty have slumped up to 3 feet since initial construction because of scouring or storm displacement due to wave action. Approximately 1,000 cy of stone will be required for repairs.

d. Construct a groin field along the sand spit inside the inlet, adjacent to the north jetty. Four (4) rubble-mound groins are anticipated at this time.

e. Construct a storm revetment to seal a potential breach along the sand spit inside the inlet, adjacent to the north jetty.

2. Construction of all improvements to the north jetty will be from a barge. South jetty improvements may be constructed by driving over the jetty or from a barge.

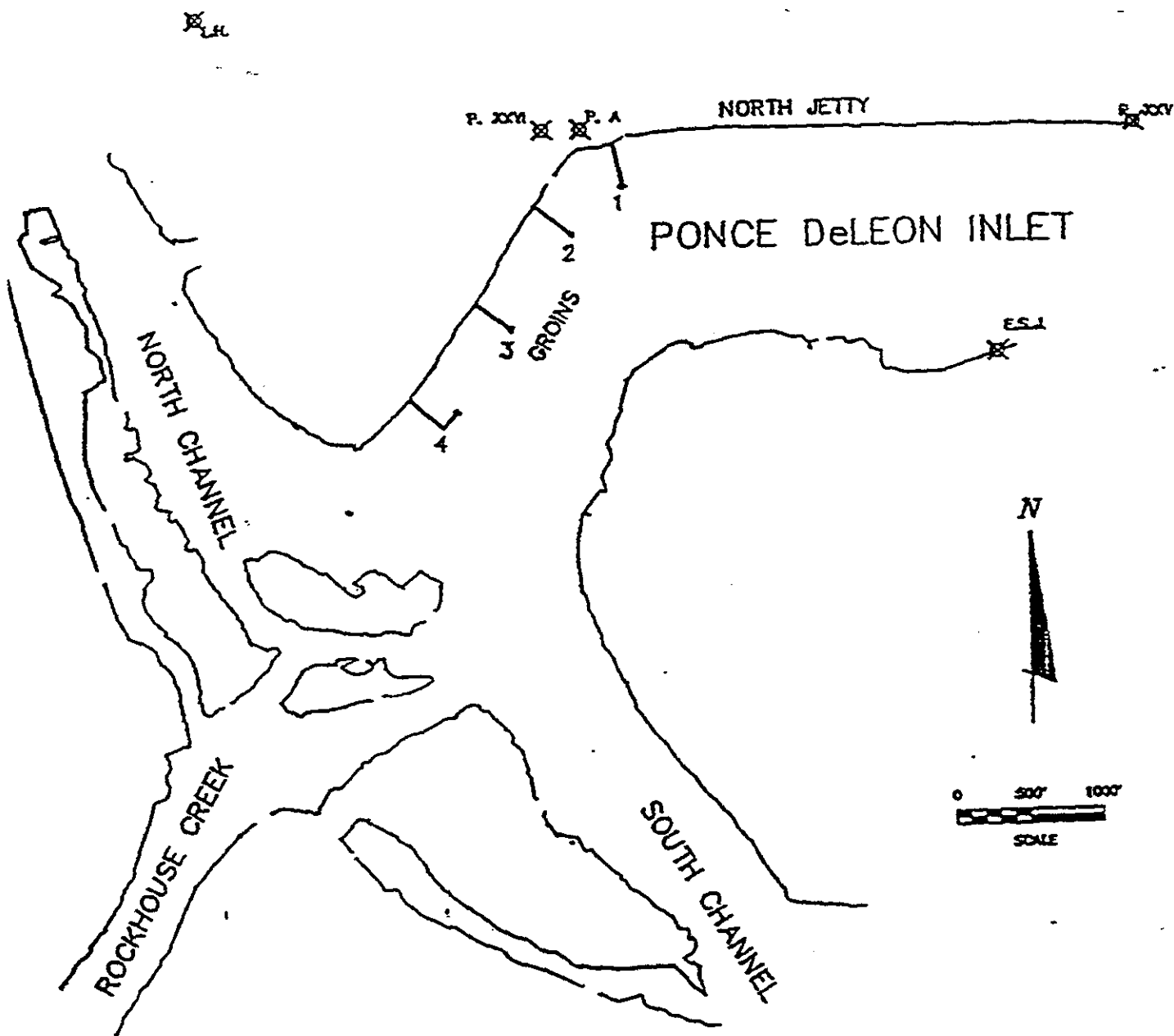
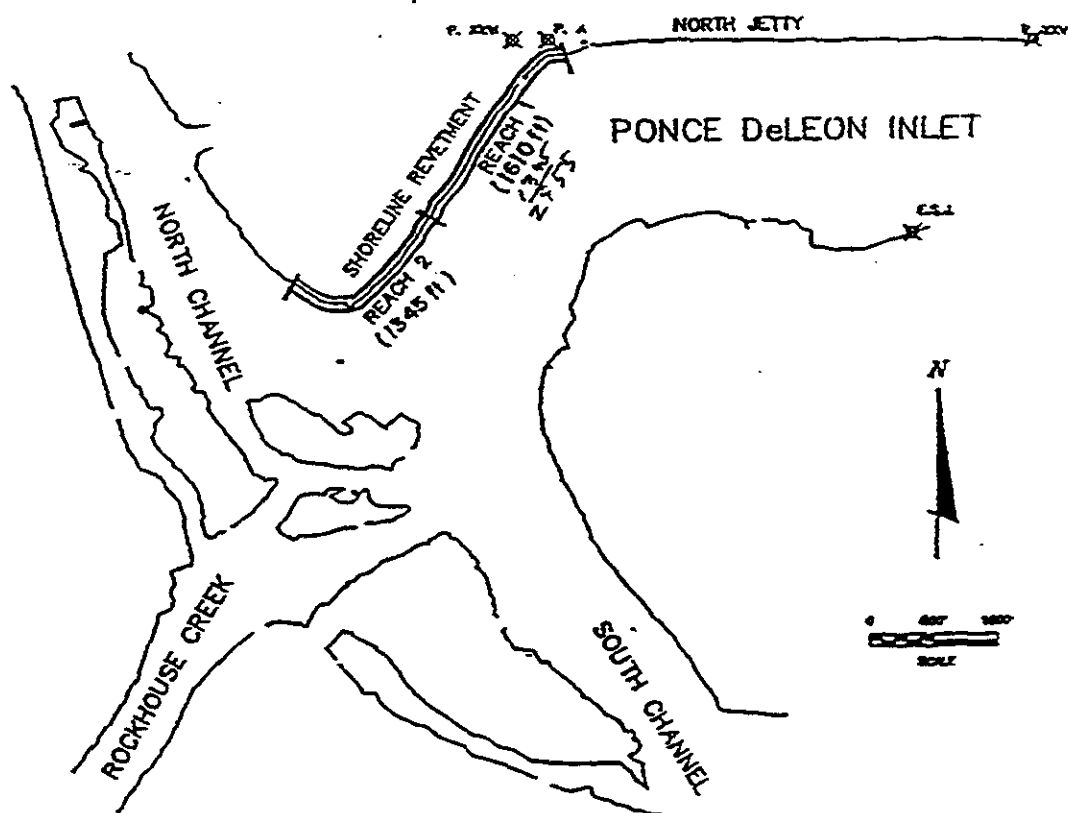
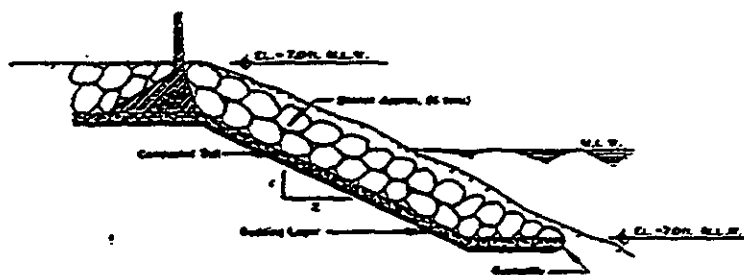


Figure 1 Four Groin System

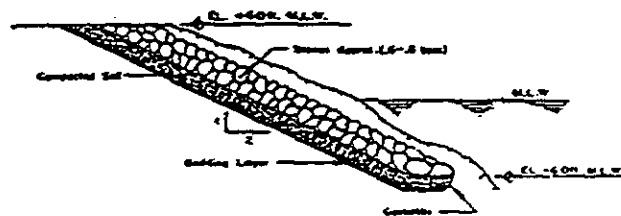


Reach 1 - Typical Cross-Section
N.T.S.



Conceptual Design Only

Reach 2 - Typical Cross-Section
N.T.S.



Conceptual Design Only

Figure 2 Conceptual Design, North Spit Shoreline Revetment



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



REPLY TO
ATTENTION OF

February 7, 1995

Planning Division
Environmental Branch

TO THE ADDRESSEES ON THE ENCLOSED LIST:

The Jacksonville District, U.S. Army Corps of Engineers (Corps), is gathering information to define issues and concerns that will be addressed in a feasibility-level report on proposed inlet improvements at Ponce de Leon Inlet, Volusia County, Florida.

In a letter dated September 29, 1992, the Corps presented a series of alternatives and requested views, comments, and information regarding those alternatives. Responses were incorporated into the environmental considerations for the Reconnaissance Report dated January 1993. That report is available from the Jacksonville District, upon request.

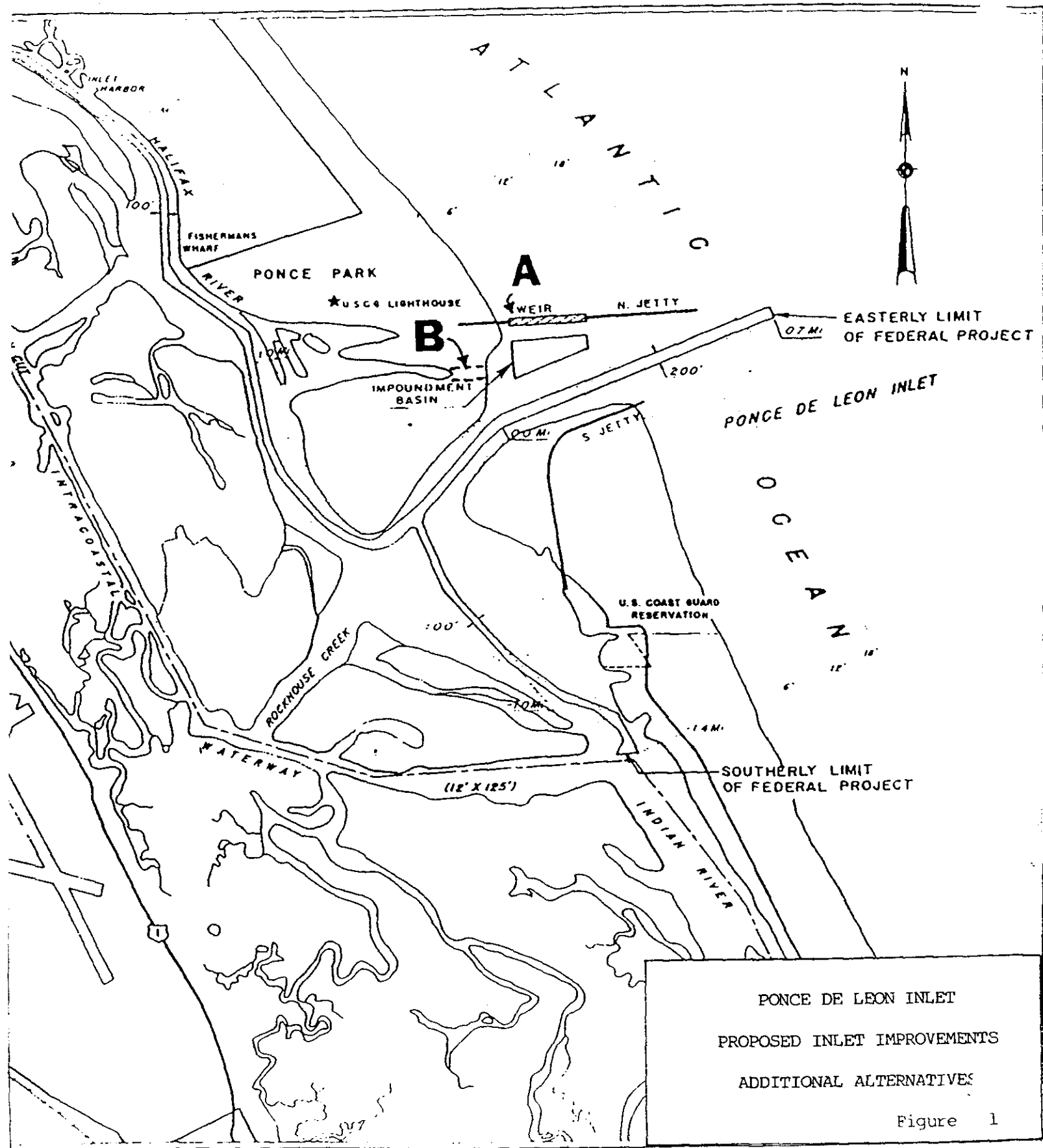
During the feasibility phase, two additional alternatives will receive consideration. (See enclosed map, figure 1.) One involves reopening the north jetty weir (A on enclosed map). The second consists of constructing a channel in the area of the potential breakthrough (B on enclosed map). A model study will evaluate those measures for stabilizing the inlet in combination with a 1000-foot extension of the south jetty. Extension of the south jetty may include reuse of existing stone from the landward end of the south jetty or from reopening the weir in the north jetty.

The Corps welcomes your views, comments, and information about resources, study objectives, and important features within the described study area, as well as any suggested improvements. Letters of comment or inquiry should be addressed to the letterhead address to the attention of Planning Division, Environmental Studies Section, and received by this office within 30 days of the date of this letter.

Sincerely,

A. J. Salem
Chief, Planning Division

Enclosure



PONCE DE LEON INLET

MAILING LIST

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Captain Steve Dresser
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Captain Mike DeBloom
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Captain Bob Marsham
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New Smyrna Beach, FL 32168

Captain Bob McWhorter
Fishin Cove Marina
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Captain Bill Fulton
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Captain Moors
Feger's Seafood
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Captain Frank Martinez
Feger's Seafood
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Captain David Baird
Path Finder
P.O. Box 818
Sharpes, FL 32959

Captain Robert Smith
The Charlie
P.O. Box 818
Sharpes, FL 32959

Captain R. Christiansen
Charter Boat, The Charlie
P.O. Box 818
Sharpes, FL 32959

Captain Tony Crane
Charter Boat, Lucky Strike
P.O. Box 818
Sharpes, FL 32959

Captain Timmons
Manager Sea Love Marina
4884 Front Street
Ponce Inlet, FL 32127

Captain Joe Camp
Sea Love Marina
4884 Front Street
Ponce Inlet, FL 32127

Captain Lingo
Sea Love
4884 Front Street
Ponce Inlet, FL 32127

Captain David Stokes
Charter Boat, Sea Lover
4884 Front Street
Ponce Inlet, FL 32127

Captain David Thompson
Charter Boat, Square One
4884 Front Street
Ponce Inlet, FL 32127

Captain Scott Laney
Charter Boat, Rockin Robin
4884 Front Street
Ponce Inlet, FL 32127

Captain Chris Forman
Charter Boat, Taylor made
4884 Front Street
Ponce Inlet, FL 32127

Mr. Sam Fernandez
Dockside Charters
4888 Front Street
Ponce Inlet, FL 32127

Captain Danny Day
Charter Boat, Mommas Money II
4888 Front Street
Ponce Inlet, FL 32127

Captain Bob Sorenson
Charter Boat, High Roller
4888 Front Street
Ponce Inlet, FL 32127

Captain Tom Wagner
Charter Boat, Sun Dancer
4888 Front Street
Ponce Inlet, FL 32127

Mr. Paul Pickett
Sea harvest
107 North Riverside Drive
New Smyrna Beach, FL 32168

Captain Johnny Lloyd
Charter Boat, Triple Header
107 North Riverside Drive
New Smyrna Beach, FL 32168

Captain Tom Harold
Charter Boat, Pier Three
107 North Riverside Drive
New Smyrna Beach, FL 32168

Mr. Richard Kirk
Ponce Deep Water Landing
133 Inlet Harbor Road
Ponce Inlet, FL 32127

Captain George Locke
Little Dolphin
133 Inlet Harbor Road
Ponce Inlet, FL 32127

Captain John Ellis
Charter Boat, Rainbow II
133 Inlet Harbor Road
Ponce Inlet, FL 32127

Captain Steve Ellis
Charter Boat, Rainbow III
133 Inlet Harbor Road
Ponce Inlet, FL 32127

Captain David Grubbs
Charter Boat, Heavy Hitter
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Daytona Beach, FL 32114

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Daytona Beach, FL 32114

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Charter Boat, Lady J
Riverview Charlies Restaurant
North Causeway
New Smyrna Beach, FL 32169



RECEIVED JUL 13 1994

FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building
500 South Bronough

Tallahassee, Florida 32399-0250

Director's Office

Telecopier Number (FAX)

(904) 488-1480

(904) 488-3353

July 7, 1994

Mr. Bruce Piatek
Bruce Piatek & Associates
13 Marilyn Avenue
St. Augustine, FL 32084

In Reply Refer To:
Susan M. Herring
Historic Preservation
Planner
(904) 487-2333
Project File No. 942168

RE: *Archaeological and Historical Survey of Lighthouse Point
Park, Ponce Inlet, Volusia County, Florida (Bruce John
Piatek, November 1993)*

Dear Mr. Piatek:

In accordance with this agency's responsibilities under Section 267.061, Florida Statutes, we have reviewed the referenced survey report and find it complete and sufficient. We note that one new site, 8V05253, Hotel Inlet Terrace, was encountered. We concur with the archaeologist's determination that this site is not significant.

Thus, it is the opinion of this agency that park development activities will have no effect on any historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historic or archaeological value, and may proceed.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

for *Laura R. Kammerer*
George W. Percy, Director
Division of Historical Resources

GWP/Hsh

Ci Ginny Kent

December 11, 1992

Mr. A. J. Salem
Chief, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Surname	
Bentzen	12/11

Dear Mr. Salem:

The U. S. Fish and Wildlife Service has received your request for information concerning issues and concerns pertinent to proposed inlet improvements at Ponce de Leon Inlet, Volusia County, Florida.

The Corps has described various alternatives which would result in improvements to navigation in this area. These descriptions portray activities which may significantly impact threatened and endangered species known to occur in this area.

The following listed species are known to occur within the project area:

West Indian manatee	<i>Trichechus manatus</i>
Loggerhead sea turtle	<i>Caretta caretta</i>
Green sea turtle	<i>Chelonia mydas</i>
Leatherback sea turtle	<i>Dermochelys coriacea</i>
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>
Hawksbill turtle	<i>Eretmochelys imbricata</i>
Piping plover	<i>Charadrius melodus</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>
Wood stork	<i>Mycteria americana</i>

The Service is concerned with possible impacts to these listed species and is available to assist the Corps, pursuant to the Fish and Wildlife Coordination Act, in developing required reports through transfer fund agreements.

Lighthouse Point State Park, Smyrna Dunes State Park, and Spruce Creek Aquatic Preserve, administered by the Florida Department of Natural Resources, are located within the project area. Federal sites in proximity to the site include Canaveral National Seashore and the Ponce Inlet Coast Guard Station. These offices should be contacted to ensure that their needs and concerns are appropriately addressed.

We look forward to working with the Corps on this project. Should you have any questions, please contact Jim Valade in this office.

Sincerely,

Michael M. Bentzen
Assistant Field Supervisor

JAV\PISCP.ltr\12.10.92\ets



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3100 University Blvd. South
Suite 120
Jacksonville, Florida 32216

December 11, 1992

Mr. A. J. Salem
Chief, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

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Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>
Hawksbill turtle	<i>Eretmochelys imbricata</i>
Piping plover	<i>Charadrius melodus</i>
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We look forward to working with the Corps on this project. Should you have any questions, please contact Jim Valade in this office.

Sincerely,

Michael M. Bentzien

Michael M. Bentzien
Assistant Field Supervisor

Endangered and Threatened Species and Critical Habitats
Under the Jurisdiction of the National Marine Fisheries Service

Florida - Atlantic Coast

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaeangliae</i>	Endangered	12/02/70
right whale	<i>Eubalaena glacialis</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
Turtles			
green sea turtle	<i>Chelonia mydas</i>	Endangered ¹	07/28/78
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Endangered	06/02/70
Kemp's ridley sea turtle (Atlantic)	<i>Lepidochelys kemp</i>	Endangered	12/02/70
leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
Fish			
shortnose sturgeon	<i>Acipenser brevirostrum</i>	Endangered	03/11/67

Species Proposed for Listing

Seagrass			
Johnson's seagrass	<i>Halophila johnsonii</i>	Threatened	

Proposed Critical Habitat

None

Designated Critical Habitat

right whale: Between 31°15'N (approximately the mouth of the Altamaha River, Georgia) and 30°15'N (approximately Jacksonville, Florida) from the coast out to 15 nautical miles offshore; the coastal waters between 30°15'N and 28°00'N (approximately Sebastian Inlet, Florida) from the coast out to 5 nautical miles.

¹ Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered.

**Endangered and Threatened Species and Critical Habitats
Under the Jurisdiction of the National Marine Fisheries Service**

Florida - Gulf Coast

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
finback whale	<i>Balaenoptera physalus</i>	Endangered	12/02/70
humpback whale	<i>Megaptera novaeangliae</i>	Endangered	12/02/70
right whale	<i>Eubalaena glacialis</i>	Endangered	12/02/70
sei whale	<i>Balaenoptera borealis</i>	Endangered	12/02/70
sperm whale	<i>Physeter macrocephalus</i>	Endangered	12/02/70
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leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	06/02/70
loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	07/28/78
Fish			
gulf sturgeon	<i>Acipenser oxyrhynchus desotoi</i>	Threatened	09/30/91

Species Proposed for Listing

None

Proposed Critical Habitat

None

Designated Critical Habitat

None

¹ Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered.



LAWTON CHILES
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

November 18, 1992

Mr. A. J. Salem
Chief, Planning Division
Department of the Army
Jacksonville District Corps
of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Reconnaissance-Level Report on Proposed Inlet Improvements
at Ponce de Leon Inlet, Volusia County, Florida

SAI: FL9210021642C

Dear Mr. Salem:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 83-150, the Coastal Zone Management Act Reauthorization Amendments of 1990 and the National Environmental Policy Act, has coordinated a review of the above referenced project.

Pursuant to Presidential Executive Order 12372, the project will be in accord with State plans, programs, procedures and objectives when consideration is given to and action taken on the enclosed comments and requirements of our reviewing agencies.

The Department of Environmental Regulation (DER) notes the following general concerns that should be addressed in the study and subsequent environmental documents: current status of the inlet that necessitates alteration of the environment; identification of resources at risk under each alternative; secondary and cumulative impacts resulting from each alternative; non-structural alternatives; and mitigation for unavoidable resource impacts. The DER recommends close coordination with the permitting staff in the DER Bureau of Wetland Resource Management to develop alternatives consistent with the provisions of Chapter 403, Florida Statutes. Please refer to the enclosed DER comments.

The Department of Natural Resources (DNR) indicates that the report must be coordinated closely with the inlet management plan, and should address the following concerns: expand alternatives to include the null alternative and channel realignment; beach renourishment should be considered separately or in combination with the proposed alternatives; justification for the inlet armoring must be fully substantiated by economic

Mr. A. J. Salem
Page Two

and navigation safety needs; environmental assessments should include consideration of marine turtle and manatee construction impacts, changes to physical and chemical characteristics of associated estuaries and the use of the inlet area by colonial seabirds. Please refer to the enclosed DNR comments.

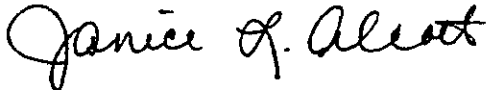
Please refer to the enclosed comments provided by the Department of State (DOS) noting that the proposed project is located in an area with a high potential for submerged cultural resources. The DOS indicates that although no historic properties are currently recorded within the proposed project area, a survey to locate possible submerged cultural resources may be required.

The Game and Fresh Water Fish Commission (GFWFC) indicates that construction activities in the vicinity of the sand spit adjacent to the north jetty should take place outside of the seasonal window from March 1 through July 31 or while maintaining a disturbance buffer of at least 100 yards from nests during the nesting season. Please refer to the enclosed GFWFC comments.

The State of Florida has completed a review of the consistency determination for this project and, based on the information available at this time, agrees that the project, at this stage, is consistent with the Florida Coastal Management Program. However, certain issues of concern have been identified by our reviewing agencies which will require resolution in federal consistency reviews conducted at subsequent decision points. Pursuant to 15 CFR 930.34 and .37, you should prepare a consistency determination at each major decision point for the State's review. Continued State agreement will be based, in part, on adequate reconciliation of previously identified concerns.

This letter reflects your compliance with Presidential Executive Order 12372.

Sincerely,



Janice L. Alcott, Director
State Clearinghouse

JLA/bl

Enclosure(s)

cc: Department of Environmental Regulation
Department of Natural Resources
Department of State
Game and Fresh Water Fish Commission
St. Johns River Water Management District
Department of Commerce



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Leonel Chiles, Governor

Carol M. Browner, Secretary

PANAFAX TRANSMITTAL FORM

FAX # 904/487-4938

(SUNCOM) 277-4938

DATE: 17 NOV 92
TO: Barbara Leighty
ORGANIZATION: State Clearinghouse
FAX #: 488-9005
PHONE #: 488-8114

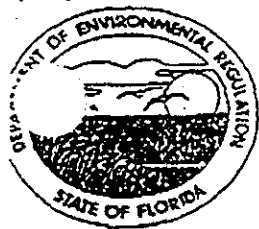
NUMBER OF PAGES (including cover sheet): 2

FROM: Susan Goggin
OFFICE: Intergovernmental Programs
PHONE #: 488-0784

IF ANY OF THE PAGES ARE NOT CLEARLY RECEIVED, PLEASE CALL
THE PERSON LISTED ABOVE OR

AT

COMMENTS:



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

16 November 1992

Carol M. Browner, Secretary

Janice L. Alcott
Director, State Clearinghouse
Office of Planning and Budgeting
Budget Management and Planning Policy Unit
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

RE: Reconnaissance Report, Ponce de Leon Inlet Proposed
Improvements, Volusia County
SAI: FL9210021642C

Dear Ms. Alcott,

The US Army Corps of Engineers (COE) is gathering information on issues and concerns regarding proposed improvements to Ponce de Leon Inlet. The brief notice issued by the COE does not provide sufficient information on the current situation at the inlet for our office to respond in detail to the proposed improvements.

Given this caveat, general concerns that should be addressed in detail in the study and subsequent environmental documents include: 1) the current status of the inlet that necessitates alteration of the environment; 2) identification of resources that will be at risk under each alternative; 3) the secondary and cumulative impacts that will result from each alternative; 4) non-structural alternatives; and 5) mitigation for unavoidable resource impacts.

We appreciate the opportunity to review the reconnaissance study when it is available. We recommend close coordination with the permitting staff in the Bureau of Wetland Resource Management (DER, Tallahassee) to develop alternatives consistent with the provisions of Chapter 403, Fla. Statutes. If you should have any questions concerning this letter, please call me at 904/488-0784.

Sincerely,

Susan Goggin
Environmental Specialist
Office of Intergovernmental Programs

SEG:LG:s



FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

November 6, 1992

NOV 9 1992

Governor
Jim Smith
Secretary of State
Bob Butterworth
Attorney General
Gerald Lewis
State Comptroller
Tom Gallagher
State Treasurer
Bob Crawford
Commissioner of Agriculture
Betty Castor
Commissioner of Education

Ms. Janice Alcott
State Clearinghouse
Office of Planning and Budget
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

STATE CLEARINGHOUSE

RE: USACE-SAJ Reconnaissance Report, Ponce de Leon Inlet

SAI: FL9210021642C

Dear Ms. Alcott:

The Department of Natural Resources has reviewed the above referenced document as requested. Due to insufficient information, and the fact that an approved inlet management plan is not available at this time, the Department will not comment on the federal consistency of the proposed alternatives. The report must be coordinated closely with the inlet management plan, and should address the following concerns.

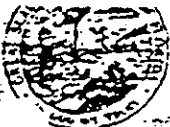
Alternatives should be expanded to include the null alternative and channel realignment. In addition, currently the State is reviewing a proposal to place dredged material on the shoreline area in question. Beach nourishment should be considered separately or in combination with the proposed alternatives. Justification for the inlet armoring must be fully substantiated by economic and navigation safety needs. Environmental assessments should include consideration of marine turtle and manatee construction impacts, changes to physical and chemical characteristics of associated estuaries, and the use of the inlet area by colonial seabirds.

Thank you for your time and the opportunity to provide comments on this project. Please address questions or comments concerning this letter to me at 904/488-1555.

Sincerely,

John F. Wettstein
Senior Management Analyst

cc: Ed Conklin, DNR-DMR
Kirby Green, DNR-DBS
Dan O'Brien, Ponce de Leon Port Authority
A.J. Salem, USACE-SAJ-PD
Frank Votra, DNR-DSL



Office of the Governor

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-0001

JOHN CHILES

GOVERNOR

Date: OCT 07 1992

Comment Due Date: OCT 21 1992

SAIF# FL92100216420

STATE AGENCIES	STATE AGENCIES	OPB POLICY UNITS
<input checked="" type="checkbox"/> Agriculture/Forestry	<input checked="" type="checkbox"/> Marine Fisheries Commission	<input type="checkbox"/> Criminal Justice
<input type="checkbox"/> Board of Regents	<input checked="" type="checkbox"/> Natural Resources	<input type="checkbox"/> Education
<input checked="" type="checkbox"/> Commerce	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Environmental/C & ED
<input checked="" type="checkbox"/> Community Affairs	<input checked="" type="checkbox"/> Transportation	<input type="checkbox"/> General Government
<input type="checkbox"/> Education	<input type="checkbox"/> Trans. Dist. Comm.	<input type="checkbox"/> Health & Human Services
<input checked="" type="checkbox"/> Environmental Regulation	<input type="checkbox"/> Elder Affairs	<input type="checkbox"/> Revenue & Eco. Analysis
<input checked="" type="checkbox"/> Game & Fish Comm.	<input type="checkbox"/>	<input type="checkbox"/> SCH
<input type="checkbox"/> Health & Rehab. Services	<input type="checkbox"/>	<input checked="" type="checkbox"/> SCH/CON
<input type="checkbox"/> Highway Safety	<input type="checkbox"/>	
<input type="checkbox"/> Labor & Employment	<input type="checkbox"/>	
<input type="checkbox"/> Law Enforcement	<input type="checkbox"/>	

9

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- ☐ Federal Assistance to State or Local Governments (15 CFR 930, Subpart F). State Agencies are required to evaluate the consistency of the activity.
- ☒ Direct Federal Activity (15 CFR 930, Subpart C). Federal agencies are required to furnish a consistency determination for the State's concurrence or objection.
- ☐ Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- ☐ Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse
Executive Office of the Governor-OPB
Room 421, Carlton Building
Tallahassee, Florida 32399-0001
(904)486-8114 (Suncom 276-8114)

From: DHR

Division/Bureau Executive Office

SWER Fritz Klettstein

Date: 11/6/92

EO. 12372

Federal Consistency

☐ No Comment

☒ No Comment/
Consistent

☒ Comments
Attached

☐ Consistent/
Comments
Attached

☐ Not
Applicable

☐ Inconsistent/
Comments
Attached



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building
500 South Bronough

Tallahassee, Florida 32399-0250

Director's Office

Telecopier Number (FAX)

(904) 488-1480

(904) 488-3353

PFN: 922968

October 27, 1992

In Reply Refer To:
Susan Kammersten
Compliance Review
Section, DHR
(904) 487-2333

Ms. Janice L. Alcott, Director
State Clearinghouse
Executive Office of the Governor, OPB
Room 411, Carlton Building
Tallahassee, Florida 32399-0001

RE: SAI# FL9210021642C
Improvements to the Ponce de Leon Inlet
Volusia County, Florida

RECEIVED
OCT 29 1992
STATE CLEARINGHOUSE

Dear Ms. Alcott:

In accordance with the provisions of Florida's Coastal Zone Management Act and Chapter 267, Florida Statutes, as well as the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the above referenced project(s) for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places.

It is the opinion of this office that all of the project alternatives under consideration by the Corps have the potential to adversely affect historic properties. The project is located in an area with a high potential for submerged cultural resources. Therefore, although no historic properties are currently recorded within the project area, a survey to locate such properties may be required.

We look forward to reviewing the final specifications for the project once they have been selected. If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

for Laura A. Kammerer
George W. Percy, Director
Division of Historical Resources

and

State Historic Preservation Officer

GWP/Hsh

FLORIDA GAME AND FRESH WATER FISH COMMISSION

JOHN WRIGHT
Orlando

QUINTON L. HEDGEPEATH, DDS
Miami

MRS. GILBERT W. HUMPHREY
Micanook

JOE MARLIN HILLIARD
Clewiston

BEN ROWE
Gainesville

ROBERT M. BRANTLY, Executive Director
ALLAN L. EGBERT, Ph. D., Assistant Executive Director



FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, Florida 32399-1600
(904) 488-1960

October 29, 1992

RECEIVED

NOV 2 1992

Ms. Janice L. Alcott, Director
Florida State Clearinghouse
Executive Office of the Governor
Office of Planning and Budgeting
The Capitol
Tallahassee, Florida 32399-0001

STATE CLEARINGHOUSE

RE: SAI #FL9210021642C, Volusia
County, Inlet improvements at
Ponce de Leon Inlet

Dear Ms. Alcott:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission (GFC) has reviewed the proposed project and offers the following comments.

The proposed project would take place at Ponce de Leon Inlet in Volusia County, Florida. Several inlet improvement alternatives are being considered by the U.S. Army Corps of Engineers. Construction improvements to the south jetty would be facilitated by driving over the jetty or from a barge, while improvements to the north jetty would be accomplished via a barge. Proposed construction improvements include: 1) a 1,000-foot extension of the south jetty, 2) a scour apron 30 feet wide and 3 feet thick along the north jetty, 3) rebuilding damaged portions of the north jetty with about 1,000 cubic yards of stone, 4) construction of a groin field along the sand spit adjacent to the north jetty, and 5) construction of a storm revetment to seal a potential breach along the sand spit adjacent to the north jetty.

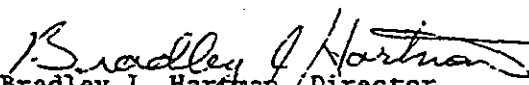
The sand spit adjacent to the north jetty is excellent habitat for both wintering and breeding species of shorebirds, terns, and gulls. Some of these species are listed by the GFC as endangered (E), threatened (T), or species of special concern (SSC).

During the non-nesting period, this habitat would provide resting and roosting opportunities for a host of bird species including brown pelican (SSC), American oystercatcher (SSC), and piping plover (T). During the spring nesting season, this area should be monitored for the presence of least terns

Ms. Janice L. Alcott
October 29, 1992
Page 2

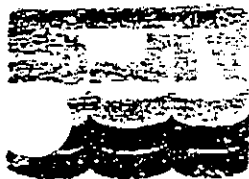
(T) and American oystercatchers. These species can be expected to engage in breeding activities from March 1 through July 31. Because they are especially sensitive to disturbance during this time, construction activities in the vicinity of the sand spit adjacent to the north jetty should take place outside of this seasonal window or while maintaining a disturbance buffer of at least 100 yards from nests during the nesting season.

Sincerely,


Bradley J. Hartman, Director
Office of Environmental Services

BJH/BT/rs
ENV 1-3-2
ponce

cc: U.S. Army Corps of Engineers, Jacksonville



WATER MANAGEMENT DISTRICT

Henry Dean, Executive Director

John R. Wehle, Assistant Executive Director

POST OFFICE BOX 1429 PALATKA, FLORIDA 32178-1429
TELEPHONE 904/329-4500 SUNCOM 904/860-4500
FAX (EXECUTIVE/LEGAL) 329-4125 (PERMITTING) 329-4315 (ADMINISTRATION/MANANCE) 329-4508

FIELD STATIONS

618 E. South Street
Orlando, Florida 32801
407/864-5423

7775 Baymeadows Way
Suite 102
Jacksonville, Florida 32256
904/730-4270

PERMITTING:
305 East Drive
Melbourne, Florida 32904
407/984-4846

OPERATIONS:
2133 N. Wickham Road
Melbourne, Florida 32835-9109
407/254-1762

November 16, 1992

State Clearinghouse
Executive Office of the Governor, OPB
Room 411, Carlton Building
Tallahassee, FL 32399-0001

Re: SAI #FL9210021642C; Ponce de Leon Inlet improvements.

Dear Sir or Madam:

The St. Johns River Water Management District is pleased to review proposed Ponce de Leon Inlet improvements, as requested by the State Clearinghouse. We believe this project would be consistent with District rules and policies on condition that the construction details conform with criteria to be defined by the Florida Department of Environmental Regulation (FDER).

Whereas it was difficult to fully assess the project from the description provided, we doubt the proposed work would be subject to regulation by the District. Under Section III. 2.(f) of the Operating Agreement between the District and the FDER, the District does not review dredge-and-fill issues for public works projects not requiring a Management and Storage of Surface Waters (MSSW) permit. Hence, the construction of jetties, groins, dolphins, breakwaters, boat ramps, seawalls, etc., in state waters shall be authorized exclusively by the FDER. (This agreement is effective after November 15, 1992.)

Should any aspect of the project change so as to require an MSSW, the District can meet with the Army Corps of Engineers to identify fully any subsequent permit requirements. Please direct any questions to Lee Kissick, Environmental Specialist (407) 897-4337 (Suncom 342-4337).

Sincerely,

Lee Kissick, for

Lance D. Hart, Lead Environmental Specialist
Department of Resource Management

LDH:db

cc: David Dewey
Pat Frost
Lee Kissick
Glenn Lowe

RECEIVED
NOV 17 1992
STATE CLEARINGHOUSE

Post-it™ brand fax transmittal memo 7671		# of pages	2
To	State Clearinghouse	From	Lance Hart
Co.		Co.	SRWMD
Dept.		Phone #	
Fax #	904-922-6200	Fax #	SunCom 342-4354

Joe E. Hill, CHAIRMAN
LEESBURG

Joseph D. Collins, VICE CHAIRMAN
JACKSONVILLE

Jesse J. Parnish, III, TREASURER
TRUSVILLE

Lenore N. McCullagh, SECRETARY
ORANGE PARK

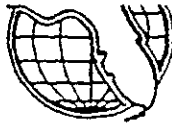
Yvett C. Fore
OCALA

Ralph E. Simmons
FERNANDINA BEACH

Sandra H. Gray
DE BARY

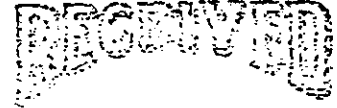
Patricia T. Hardon
PALM BACH

James H. Williams



STATE OF FLORIDA DEPARTMENT OF COMMERCE
Division of Economic Development

October 12, 1992



OCT 23 1992

Ms. Janice L. Alcott, Director
State Clearinghouse
Office of Planning and Budgeting
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

STATE CLEARINGHOUSE

RE: SAI# FL 92 10 02 1642C (Ponce de Leon Inlet/Volusia County)

Dear Ms. Alcott:

We appreciate being asked to review this request for comments from the U. S. Army Corps of Engineers. Improvements are being planned at Ponce de Leon Inlet in Volusia County. Under consideration are lengthening a jetty, rebuilding damaged areas, and constructing a groin field and a storm revetment.

At the planning stage, pursuing this project is consistent with the economic criteria of those portions of the Coastal Zone Management Act of 1972 and the Florida Coastal Management Program for which the Department of Commerce has responsibility.

Very respectfully,

Wynnette Wilson
Economist Supervisor
Bureau of Economic Analysis

WW/rdp

Director's
Office
904/488-6300

Business
Assistance
904/488-9357

Economic
Analysis
904/487-2568

Industry
Development
904/488-9360

Motion Picture
and Television
904/487-1100

International
Trade and
Development
904/488-6124

COLLINS BUILDING

TALLAHASSEE, FLORIDA 32399-2000

FAX 904/487-1407



Office of the Governor

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-0001

ANTON CHILES

GOVERNOR

RECEIVED
10-12-92

Date: OCT-07 1992

Comment Due Date: OCT-21 1992

SAIF# FL9210021642C

STATE AGENCIES	
<input checked="" type="checkbox"/>	Agriculture/Forestry
<input type="checkbox"/>	Board of Regents
<input type="checkbox"/>	Commerce
<input checked="" type="checkbox"/>	Community Affairs
<input type="checkbox"/>	Education
<input checked="" type="checkbox"/>	Environmental Regulation
<input checked="" type="checkbox"/>	Game & Fish Comm.
<input type="checkbox"/>	Health & Rehab. Services
<input type="checkbox"/>	Highway Safety
<input type="checkbox"/>	Labor & Employment
<input type="checkbox"/>	Law Enforcement

STATE AGENCIES	
<input checked="" type="checkbox"/>	Marine Fisheries Commission
<input checked="" type="checkbox"/>	Natural Resources
<input checked="" type="checkbox"/>	State
<input checked="" type="checkbox"/>	Transportation
<input type="checkbox"/>	Trans. Data. Comm.
<input type="checkbox"/>	Elder Affairs
<input type="checkbox"/>	

LOCAL/OTHER	
<input type="checkbox"/>	RPOV
<input checked="" type="checkbox"/>	WMD SJR
<input type="checkbox"/>	

OPB POLICY UNITS	
<input type="checkbox"/>	Criminal Justice
<input type="checkbox"/>	Education
<input type="checkbox"/>	Environmental/C & ED
<input type="checkbox"/>	General Government
<input type="checkbox"/>	Health & Human Services
<input type="checkbox"/>	Revenue & Eco. Analysis
<input type="checkbox"/>	SCB
<input checked="" type="checkbox"/>	SCB/CON

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

Federal Assistance to State or Local Governments (15 CFR 930, Subpart F). State Agencies are required to evaluate the consistency of the activity.

☒ Direct Federal Activity (15 CFR 930, Subpart C). Federal agencies are required to furnish a consistency determination for the State's concurrence or objection.

☐ Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

☐ Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse
Executive Office of the Governor-OPB
Room 411, Carlton Building
Tallahassee, Florida 32399-0001
(904)486-2114 (Suncom 276-2114)

From: FLA DEPT OF COMM
Division/Bureau Econ Developm/BEA

Reviewer R Peterson WW

Date: OCT 12, 1992

EO. 12372

☐ No
Comment

☐ Comments
Attached

☐ Not
Applicable

Federal Consistency

☐ No Comment/
Consistent

☒ Consistent/
Comments
Attached

☐ Inconsistent/
Comments
Attached



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

September 29, 1992

Planning Division
Environmental Branch

TO ADDRESSEES ON ATTACHED LIST:

The Jacksonville District, U.S. Army Corps of Engineers, is gathering information to define issues and concerns that will be addressed in a reconnaissance-level report on proposed inlet improvements at Ponce de Leon Inlet, Volusia County, Florida.

Alternatives under consideration include lengthening the south jetty approximately 1,000 feet, construction of a scour apron on the south side of the north jetty, rebuilding damaged areas of the north jetty, construction of a groin field along the sand spit inside the inlet adjacent to the north jetty and construction of a storm revetment to seal a potential breach along shoreline of the sand spit inside the inlet (enclosure 1).

The Corps welcomes your views, comments and information about resources, study objectives and important features within the described study area, as well as any suggested improvements. Letters of comment or inquiry should be addressed to the letterhead address to the attention of Planning Division, Environmental Studies Section and received by this office within thirty (30) days of the date of this letter.

Sincerely,

A handwritten signature in cursive script, reading "A. J. Salem", is positioned above the typed name.

A. J. Salem
Chief, Planning Division

Enclosure

PONCE DE LEON INLET
PROPOSED ALTERNATIVES

1. Five alternatives are currently under consideration and are described below:

a. Construct a 1,000-foot extension of the south jetty. The jetty would be constructed at a base elevation of -15 feet m.l.w. and extend to a crest elevation of +7.0 feet m.l.w.

b. Construct a scour apron along the south side of the north jetty. The apron would be 30 feet wide and 3 feet thick and would be placed along the landward 700 feet of the north jetty.

c. Rebuild the damaged portions of the north jetty with stone similar to that now in place. Portions of the north jetty have slumped up to 3 feet since initial construction because of scouring or storm displacement due to wave action. Approximately 1,000 cy of stone will be required for repairs.

d. Construct a groin field along the sand spit inside the inlet, adjacent to the north jetty. Four (4) rubble-mound groins are anticipated at this time.

e. Construct a storm revetment to seal a potential breach along the sand spit inside the inlet, adjacent to the north jetty.

2. Construction of all improvements to the north jetty will be from a barge. South jetty improvements may be constructed by driving over the jetty or from a barge.

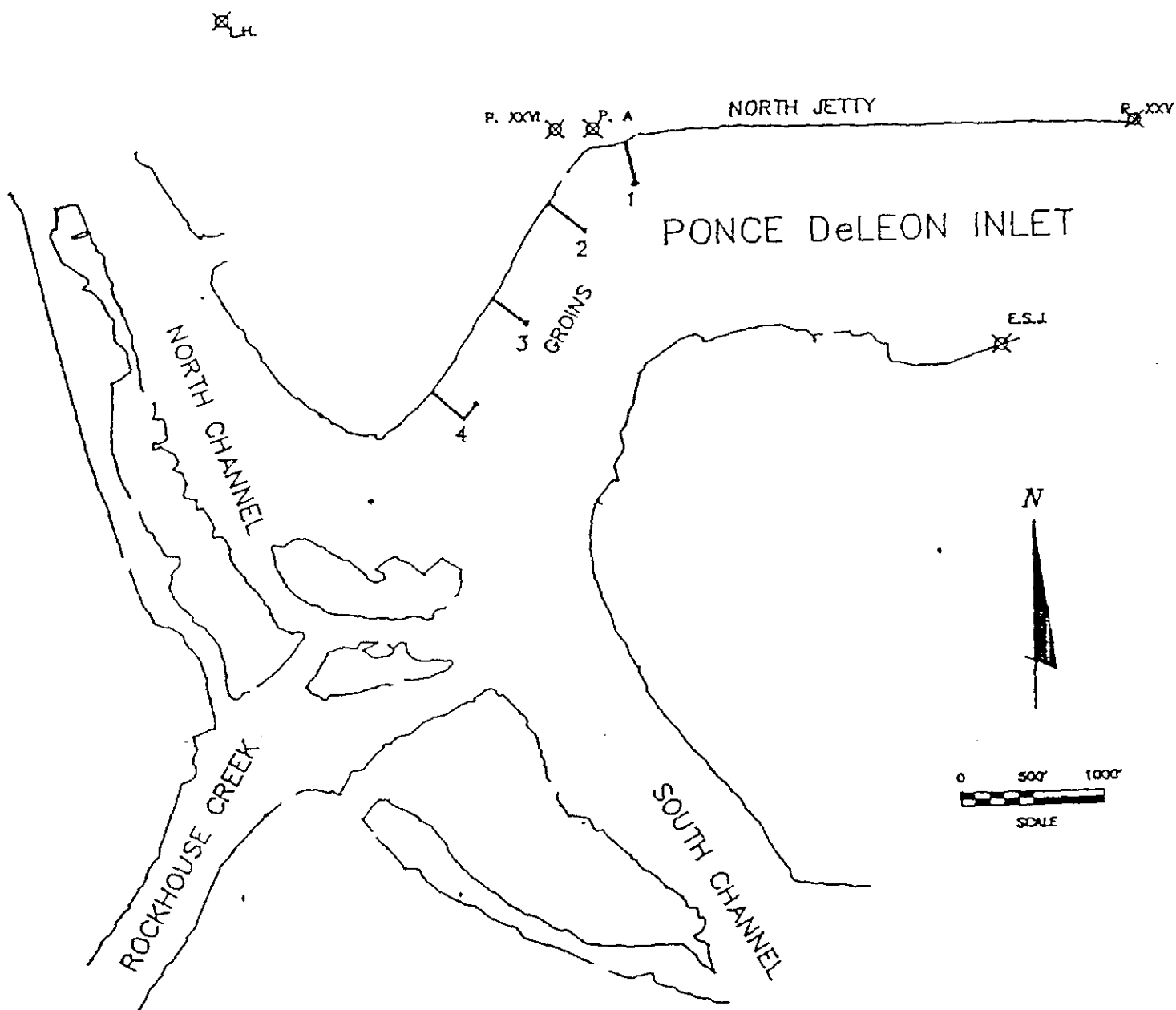
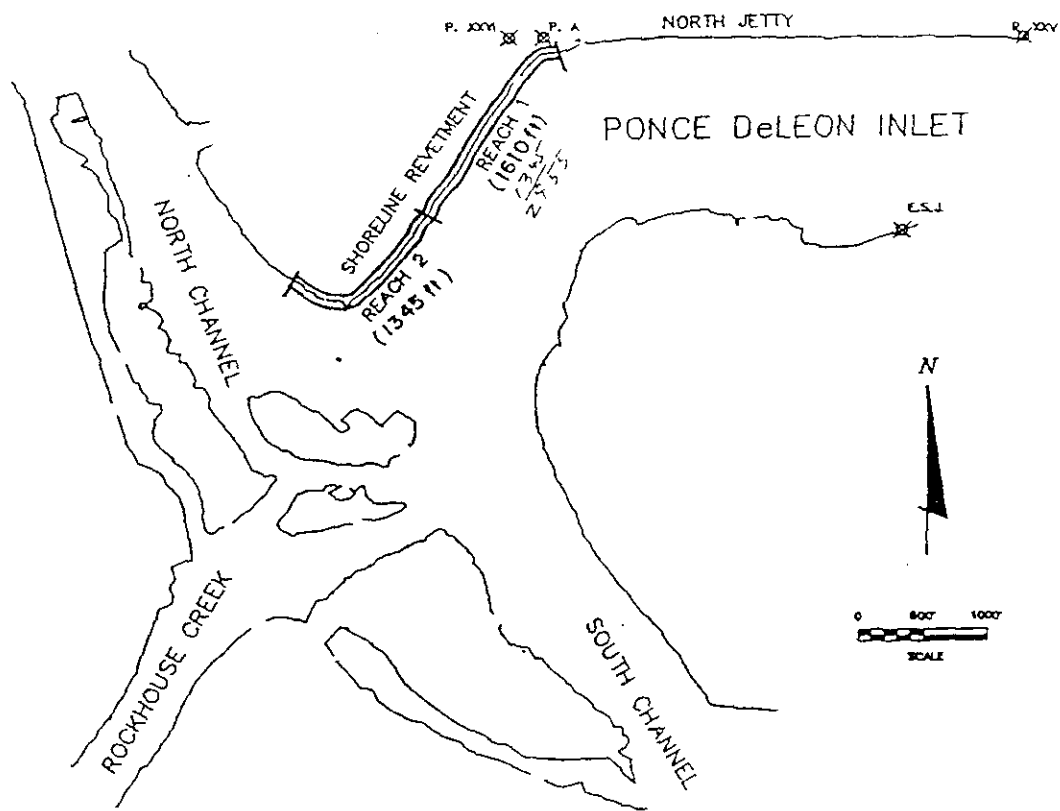
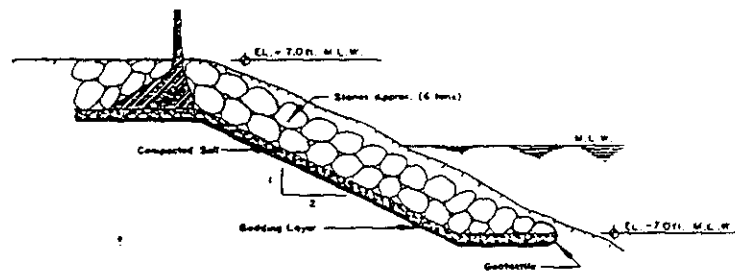


Figure 1 Four Groin System

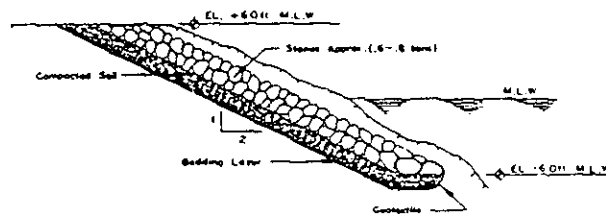


Reach 1 - Typical Cross-Section
N.T.S.



Conceptual Design Only

Reach 2 - Typical Cross-Section
N.T.S.



Conceptual Design Only

Figure 2 Conceptual Design, North Spit Shoreline Revetment

PONCE DE LEON INLET
MAILING LIST

Director
Office of Federal Activities (A-104)
Environmental Protection Agency
401 M. Street SW
Washington, D.C. 20024-2610 (5 cys)

Director
Department of Commerce
NOAA/CS/EC/Room 6222
14 and Constitution Ave., NW
Washington, DC 20230 (4 cys)

Mr. Bruce Blanchard, Director
Office of Environmental Project
Review
Department of the Interior,
Room 4241
18th and C Streets, NW
Washington, D.C. 20240 (12 cys)

Executive Director
Advisory Council on Historic
Preservation
The Old Post Office Building
1100 Pennsylvania Avenue NW 809
Washington, D.C. 20004-2590

Florida Audubon Society
1101 Audubon Way
Maitland, FL 32751-5451

Mr. John Rains, Jr.
Isaak Walton League of America, Inc.
5314 Bay State Road
Palmetto, Florida 33561-9712

Field Supervisor
U.S. Fish and Wildlife Service
P. O. Box 2676
Vero Beach, FL 32961-2676

State Clearinghouse
Office Of Planning & Budgeting
Executive Office of the Governor
The Capitol
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